



COURT OF JUSTICE  
OF THE EUROPEAN UNION

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# THE YEAR IN REVIEW

## ANNUAL REPORT 2021



The Court of Justice  
of the European Union:  
upholding European  
Union law.



# **The year in review 2021**

## **Annual Report**





# Contents

<b>Introduction by the President</b> .....	4
--------------------------------------------	---

## **1 2021 at a glance**

A   The year in pictures .....	10
B   The year in figures .....	28

## **2 Judicial activity**

A   A look back at the most important .....	34
B   Key figures concerning judicial activity .....	72
Members of the Court of Justice .....	77
Members of the General Court .....	85

## **3 Supporting the institution moving through a new phase in its history**

A   Introduction by the Registrar .....	92
Focus   EUnited in Riga: an unprecedented judicial dialogue for a united Europe.....	96
Focus   The Meeting of Judges, a unique moment for dialogue and discussion .....	98
Focus   Public relations .....	100

<b>4 An environmentally friendly institution</b> .....	105
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<b>5 Looking ahead</b> .....	109
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<b>6 Stay connected!</b> .....	113
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# Introduction by the President



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**In 2021, the Court and its staff have had to contend with continuing health measures and restrictions designed to stem the successive waves of the Covid-19 pandemic. Despite this, the Court's staff has been able to ensure continuity in its activities in service of European justice by drawing on the lessons learned and the new habits acquired since the outbreak of the pandemic in 2020 through the use of remote working and communication techniques. In this context, the Institution can be proud that the efforts made to design and implement a videoconferencing system allowing for remote hearings before both courts, with simultaneous interpretation, were rewarded with the European Ombudsman's Award for Good Administration in the category Excellence in Innovation/Transformation.**

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The year 2021 was also marked by a significant partial renewal of the Court of Justice, with the arrival of nine new Members. While my peers did me the great honour of demonstrating their continued confidence in me by re-electing me President, Judge Bay Larsen was elected Vice-President following the departure of Ms Silva de Lapuerta. The General Court also welcomed five new judges in 2021.

The year also saw an increase in the number of cases brought before the two courts (1 720 in 2021, compared with 1 584 in 2020) as well as in the number of cases closed (1 723 in 2021, compared with 1 540 in 2020). The diversity and impact of the decisions delivered – whether on the rule of law, the environment, personal data protection, social protection or aid granted to address the health crisis – show the extent to which the Institution's work is at the heart of contemporary realities and has a concrete impact on the lives of EU citizens and businesses. Several challenges emerge from this picture.

First, the current situation requires that the Court strengthen its efforts to create closer links with citizens by encouraging greater transparency in its operations. With this in mind, a trial project is under way to broadcast the oral hearings of the Grand Chamber by web streaming. The huge growth in the use of digital technologies was key to the remarkable success achieved in managing the health crisis and the Court's response to the physical restrictions imposed in connection with the pandemic. Technical know-how has developed and we have seen the digital barrier broken: the way the world operates has changed. Through these technological and societal developments, the time has therefore come to make the Court accessible to the whole of Europe.

Second, the Institution will continue its reflection on how to achieve a rebalancing of the workload between the Court of Justice, composed of one judge per Member State, and the General Court, which, since September, has two judges per Member State.

Third, we are seeing a widespread tendency to challenge the authority of judicial decisions and, in some Member States, to question the European integration project and its founding values and principles. This trend calls for constant vigilance regarding the quality of the Court's decisions and how those decisions are explained to the public, and on ensuring the transparency of its activities. This is essential to ensure that European justice is correctly perceived and understood, in all circumstances, as serving exclusively to safeguard and uphold the rule of law.

It is therefore up to our Institution to learn all the possible lessons from the experience of managing the pandemic and to consolidate, in a sustainable way, what it has achieved in terms of its functioning and its relations not only with national courts but also with public opinion throughout the European Union. These objectives will be pursued in 2022, the year in which the Court celebrates its 70<sup>th</sup> anniversary, through a number of projects, events and activities.



**Koen Lenaerts**

President of the Court of Justice  
of the European Union

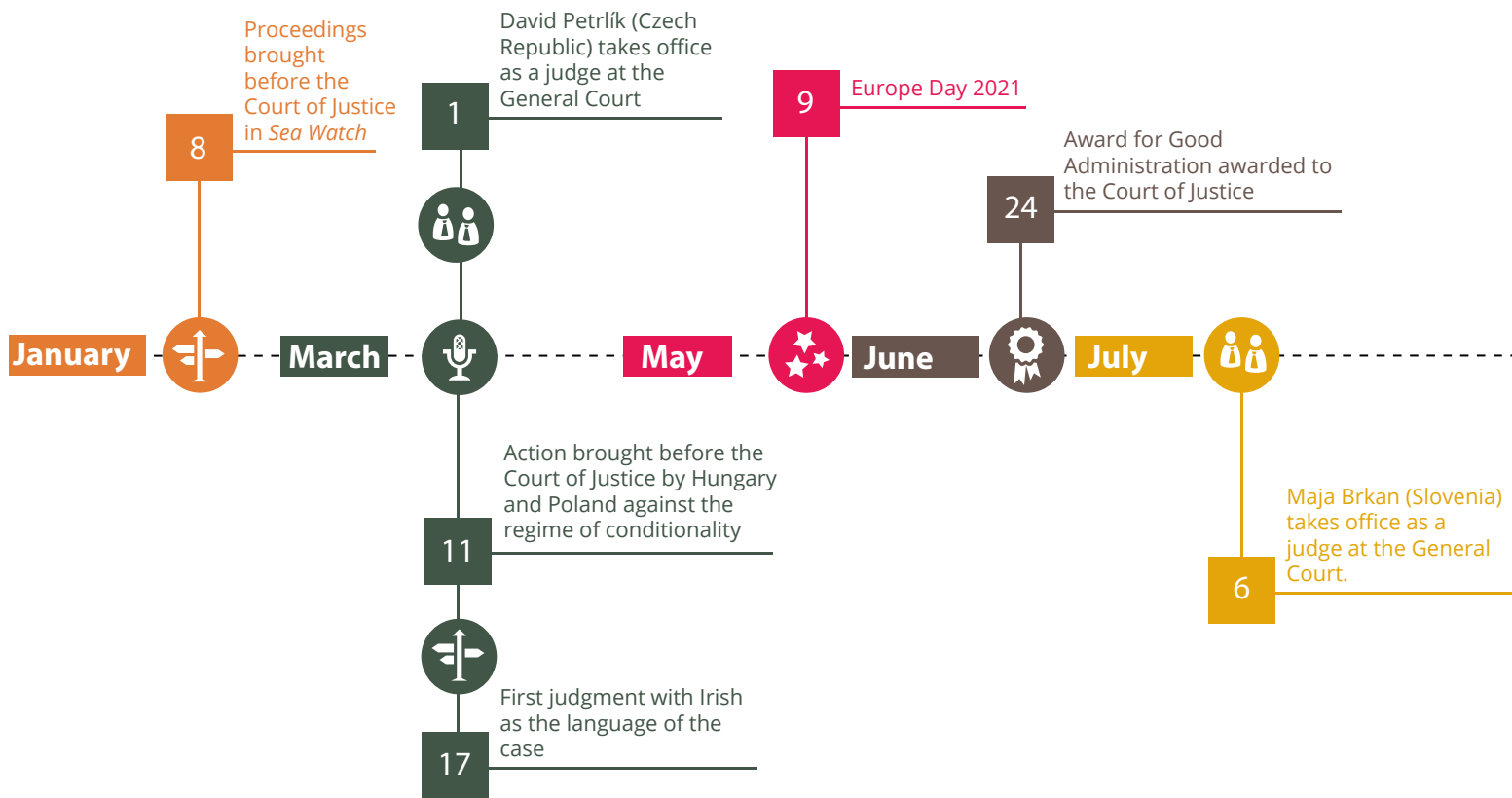


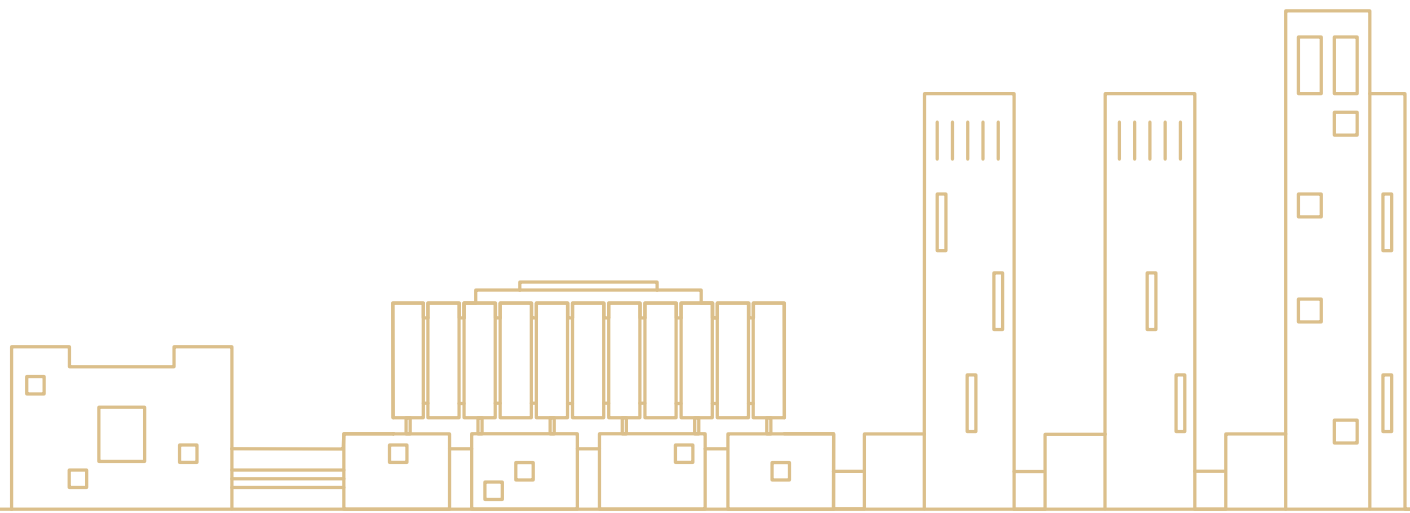
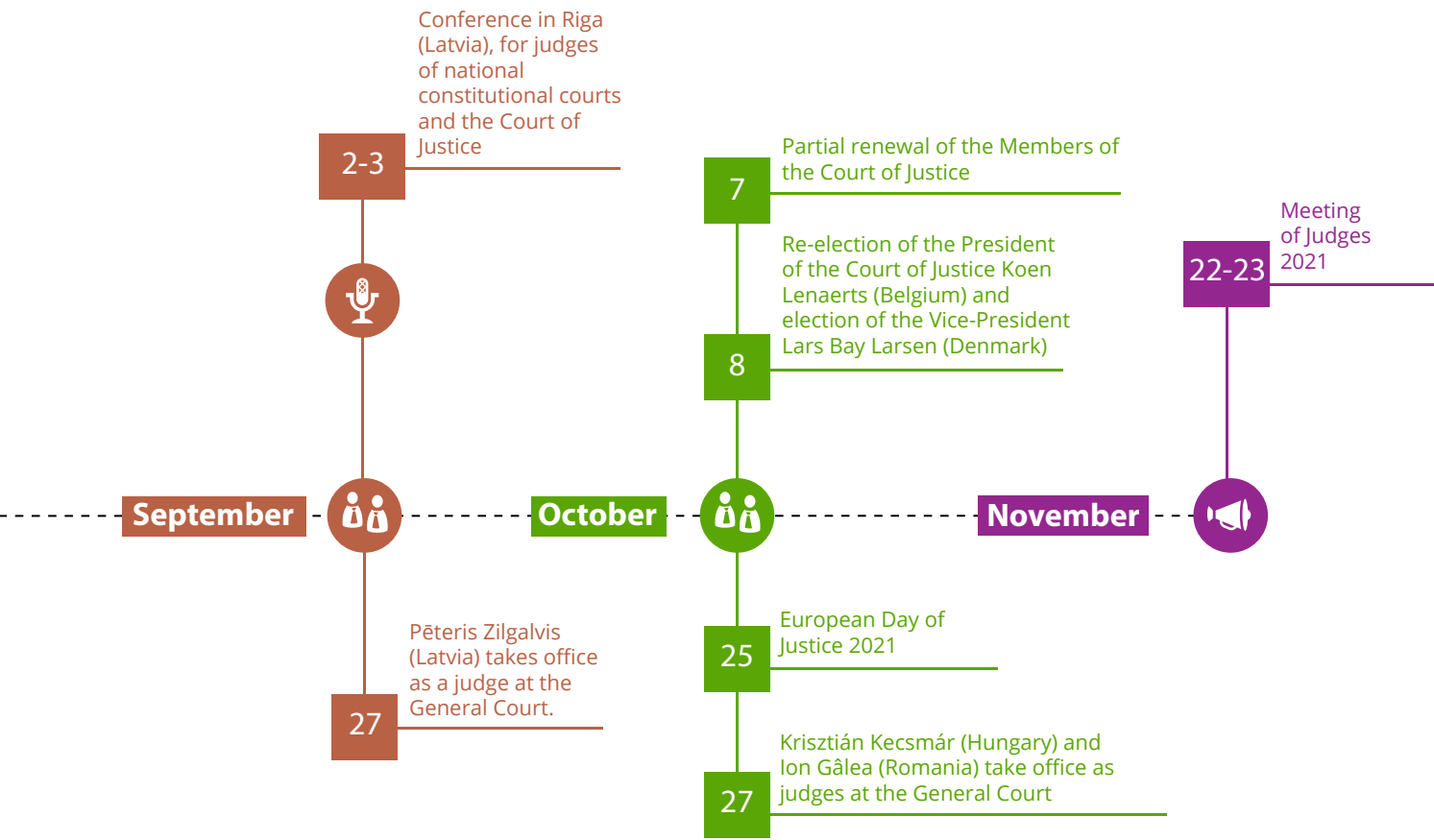


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**2021**  
**at a glance**







# A | The year in pictures

JANUARY



4

## Proceedings brought before the Court of Justice in *Rzecznik Praw Obywatelskich*

The Court of Justice must rule on whether the Polish authorities may refuse to transcribe the birth certificate of a child born in Spain, issued by the Spanish authorities, indicating **two women as mothers of that child** ([C-2/21](#)).

JANUARY



8

## Proceedings brought before the Court of Justice in *Sea Watch*

The Court of Justice must determine whether port authorities may exercise their powers against a vessel certified as a cargo vessel but that, in practice, carries out **operations to rescue persons in distress or danger at sea** involving migrants ([C-14/21](#) and [C-15/21](#)).

JANUARY



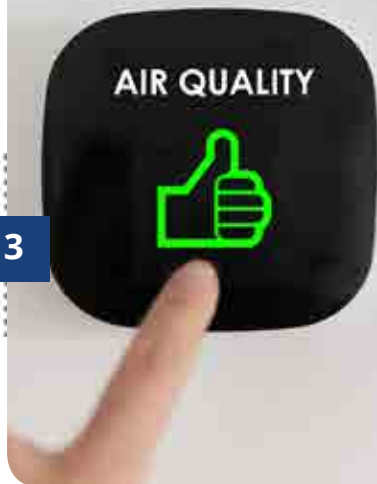
26

## Judgment in *VL v Szpital Kliniczny*

The payment of an allowance only to workers with disabilities who have submitted their **disability certificates** after a date chosen by the employer may constitute direct or indirect discrimination based on disability ([C-16/19](#)).



FEBRUARY



3

## Judgment in *Commission v Hungary*

Hungary failed to fulfil its obligations to ensure compliance, throughout its territory, with the daily limit value for concentrations of **particulate matter PM<sub>10</sub>** and to ensure that the period of exceedance of the limit values was kept as short as possible ([C-637/18](#)).

→ see p. 41.

FEBRUARY



17

## Judgments in *Ryanair DAC v Commission* and *Ryanair DAC v Commission*

The aid provided by **Sweden** and by **France** to support airlines in the context of the Covid-19 pandemic is compatible with EU law ([T-238/20](#) and [T-259/20](#)).

→ see p. 61-62.

MARCH



1

## New judge takes office at the General Court

A formal sitting takes place on the occasion of the taking of the oath and entry into office of **David Petrlík** (Czech Republic) as a judge at the General Court.

MARCH



8

### Proceedings brought before the Court of Justice in *CIHEF and Others*

The Court must rule on whether a Member State may adopt, in the interests of public health and the environment, **restrictive rules relating to commercial practices and advertising for biocidal products** ([C-147/21](#)).

MARCH



11

### Action brought in *Hungary and Poland v Parliament and Council* against the regime of conditionality

**Hungary and Poland** are requesting the annulment of the regulation creating a **general regime of conditionality** for the protection of the Union budget in the case of a breach of the principles of the rule of law in the Member States ([C-156/21](#) and [C-157/21](#)).

MARCH



17

### First judgment with Irish as the language of the case

On Saint Patrick's Day, the day celebrating the patron saint of Ireland, the Court of Justice delivers its **first judgment in a case in which the language of the case is Irish**.

Pursuant to an EU directive, the information on veterinary medicinal products must appear in both official languages of Ireland. It is for the national court to make a declaration that that Member State has not correctly transposed that directive and is required to take remedial steps in that regard ([C-64/20](#)).

MARCH

24



## Judgment in *Lego*

The General Court finds that the European Union Intellectual Property Office (EUIPO) should not have declared the **Community design** of a brick of a **Lego** toy building set invalid ([T-515/19](#)).

→ see p. 47

APRIL

9



## Action brought before the General Court in *Firearms United Network*

A **Polish association** of gun owners seeks the annulment of the regulation prohibiting the use of **lead shot**. The group believes that this text infringes the freedom to pursue an economic activity and the freedom to hunt ([T-187/21](#)).

APRIL

14



## Judgments in *Ryanair DAC v Commission*

The **aid measures** introduced by **Sweden** and **Denmark** for the airline company **SAS** and the guarantee provided to the airline company **Finnair** by Finland as a result of the **Covid-19** pandemic are in line with EU law ([T-378/20](#) and [T-379/20](#) and [T-388/20](#)).

→ see p. 62

APRIL

20



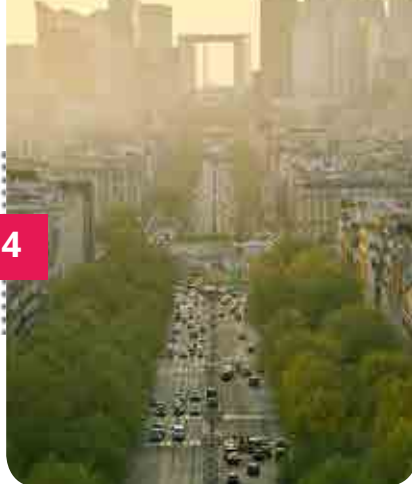
### Judgment in *Repubblika v Il-Prim Ministru*

Maltese provisions which confer on the **Prime Minister** a decisive power in the **appointment of members of the judiciary**, while providing for the involvement of an independent body responsible for assessing candidates and providing an opinion, are not contrary to EU law ([C-896/19](#)).

→ see p. 35

MAY

4



### Action for failure to fulfil obligations brought before the Court of Justice in *Commission v France (PM10)*

The Commission asks the Court of Justice to establish that France has failed to fulfil its obligations in relation to **air quality**, by systematically and persistently exceeding the daily limit value for fine particulate matter (PM10) in the **Paris** and **Martinique/Fort-de-France** zones ([C-286/21](#)).

MAY

9



### Europe Day 2021

To enable European citizens to be better informed about their rights and how the European justice system operates, the Court invites them to view **videos** about its role and case-law, to ask **questions via Twitter and LinkedIn** and to take a **virtual tour** of its buildings.



MAY

12



### Judgment in *Luxembourg v Commission and Amazon EU and Amazon.com v Commissio*

The General Court sets aside the decision by the Commission declaring that the **tax advantages granted by Luxembourg** to companies within the **Amazon** group constituted unlawful State aid ([T-816/17](#) and [T-318/18](#)).

→ see p. 46

JUNE

3



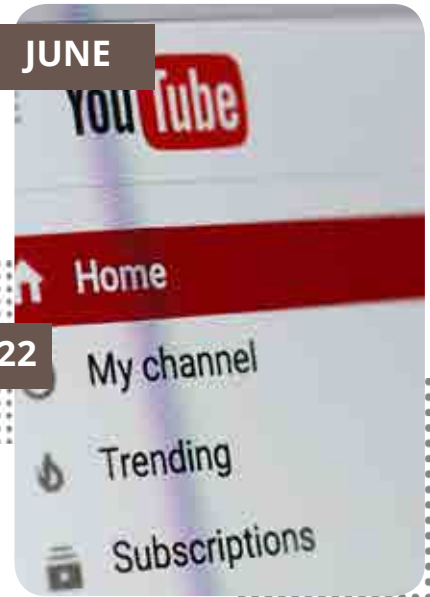
### Judgment in *Hungary v Parliament*

The Court of Justice dismisses **Hungary's** action against the Parliament resolution triggering the procedure for determining the existence of a **clear risk of a serious breach**, by that Member State, **of the values on which the European Union is founded** ([C-650/18](#)).

→ see p. 35

JUNE

22



### Judgment in cases *YouTube and Cyando*

As EU law currently stands, the Court of Justice considers that **operators of online platforms** are not liable in principle for communication to the public of content protected by copyright illegally uploaded by their users ([C-682/18](#) and [C-683/18](#)).

→ see p. 49

JUNE

22



### Action brought before the General Court in *Syndesmos Tyrokomon Kyprou and Others v Commission*

Cheese and cow milk producers ask the General Court to annul the Commission Regulation entering the name **Χαλλούμι (Halloumi)** in the register of protected designations of origin (PDO) ([T-361/21](#)).

JUNE

24



### Award for Good Administration

The European Ombudsman, Emily O'Reilly, awards the Court of Justice the 2021 Award for Good Administration in the category 'Excellence in Innovation/Transformation', for the '**Remote Hearings**' project.

→ see p. 92 & 100

JUNE

24



### Judgment in *Commission v Spain*

**Spain** should have taken into account the unlawful abstraction of groundwater and the abstraction of water for urban supply in the estimation of **groundwater abstraction in the Doñana region (Spain)**, the largest wetland in Europe ([C-559/19](#)).

→ see p. 40

JULY

4  
-  
5

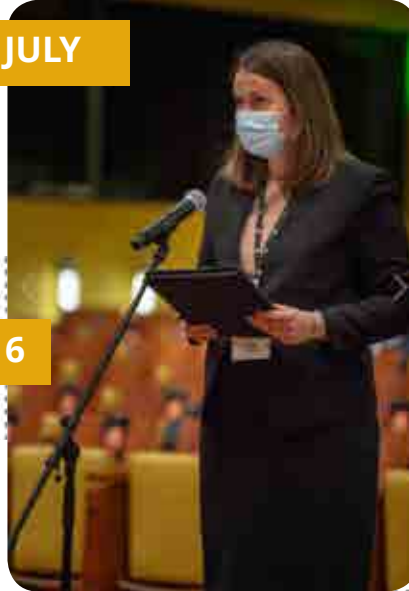


## Sechser-Treffen in Vienna

A delegation from the Court travels to Vienna to take part in the 'Sechser-Treffen', a meeting held every two years that brings together representatives of the **German-language constitutional courts** of Austria, Switzerland, Liechtenstein and Germany, the **Court of Justice** of the European Union and the **European Court of Human Rights**.

JULY

6



## New judge takes office at the General Court

A formal sitting takes place on the occasion of the taking of the oath and entry into office of **Maja Brkan** (Slovenia) as a judge at the General Court.

JULY

15



## Judgment in cases *WABE* and *MH Müller Handel*

A rule prohibiting workers from wearing any **visible sign of political, philosophical or religious beliefs in the workplace may be justified** by the employer's need to present a neutral image vis-à-vis customers or to prevent social conflicts ([C-804/18](#) and [C-341/19](#)).

→ see p. 60

JULY

20



## Proceedings brought before the Court of Justice in *Schrems v Facebook*

Mr Schrems argues that his consent to the **terms of use of the Facebook platform** do not comply with the requirements of the General Data Protection Regulation (GDPR) and asks Facebook to cease processing his data for the purposes of personalised advertising and to cease using those data for visits to third-party websites ([C-446/21](#)).

AUGUST

01



## Death of Mr Barna Berke

Death of Barna Berke (Hungary), judge at the General Court since 19 September 2016.

AUGUST

31



## Request for a preliminary ruling lodged in *Verband Sozialer Wettbewerb*

The Bundesgerichtshof (Federal Court of Justice, Germany) asks whether the selling price for goods sold in bottles or jars which are returnable against a deposit must include the **deposit** payable by the consumer ([C-543/21](#)).



SEPTEMBER

02  
-  
03



## EU united in diversity: between common constitutional traditions and national identities – Conference in Riga

A conference is held, in Riga (Latvia), bringing together, **for the first time, the judges of the national constitutional courts and Members of the Court of Justice**, seeking a common approach to reconciling the imperative of European unity with the reality of constitutional traditions and national identities.

→ see p. 96

SEPTEMBER

2



## Judgment in *X v Belgian State (right of residence in the case of domestic violence)*

A third-country national who has been **the victim of acts of domestic violence committed by his or her spouse**, who is a Union citizen, is not in a comparable situation to a third-country national who has been the victim of acts of domestic violence committed by his or her spouse, who is also a third-country national ([C-930/19](#)).

SEPTEMBER

9



## Judgment in *Comité Interprofessionnel du Vin de Champagne*

Protected designations of origin (PDO) are protected in respect of **prohibited conduct** relating to both **products** and **services** ([C-783/19](#)).

→ see p. 50

SEPTEMBER



10

### Proceedings brought before the General Court in relation to the trade mark **GOOGLE CAR**

The General Court is asked to annul two decisions by the European Union Intellectual Property Office (EUIPO) refusing to register the mark **GOOGLE CAR** ([T-568/21](#) and [T-569/21](#)).

SEPTEMBER



20

### Order of the Vice-President of the Court of Justice in *Czech Republic v Republic of Poland*

In view of the fact that it has not ceased **lignite mining activities at the Turów mine**, Poland is ordered to pay the European Commission a **penalty payment** of EUR 500 000 **per day** ([C-121/21 R](#)).

SEPTEMBER



27

### New judge takes office at the General Court

A formal sitting takes place on the occasion of the taking of the oath and entry into office of **Pēteris Zilgalvis** (Latvia) as a judge at the General Court.

OCTOBER



6

## Judgment in A (*Crossing of borders in a pleasure boat*)

A Member State may require its nationals, on pain of sanctions, to carry a **valid identity card or passport when travelling to another Member State**, irrespective of the means of transport used and the route taken ([C-35/20](#)).

OCTOBER



6

## Opinion on the Istanbul Convention

The Council may await, without being obliged to do so, the common accord of all Member States to be bound by the Istanbul Convention on **preventing and combating violence against women and domestic violence** ([1/19](#)).

OCTOBER



7

## Partial renewal of the Members of the Court of Justice

Formal sitting on the occasion of the partial renewal of the Members of the Court of Justice. The following take office as judges: **Dimitrios Gratsias** (Greece), **Maria Lourdes Arastey Sahún** (Spain), **Miroslav Gavalec** (Slovakia), **Zoltán Csehi** (Hungary), and **Octavia Spineanu-Matei** (Romania). The following take office as advocates general: **Anthony Michael Collins** (Ireland), **Nicholas Emiliou** (Cyprus), **Tamara Čapeta** (Croatia) and **Laila Medina** (Latvia).

OCTOBER



8

## Re-election of the President and election of the Vice-President of the Court of Justice

**Koen Lenaerts** (Belgium) is re-elected President of the Court of Justice by his peers for a term of office of three years.

**Lars Bay Larsen** (Denmark) is elected Vice-President, also for a term of office of three years.

OCTOBER



8

## Re-election of the First Advocate General of the Court of Justice

**Maciej Szpunar** (Poland) is re-elected by his peers First Advocate General of the Court of Justice for a term of office of three years.

OCTOBER



8

## Election of the Presidents of the Chambers of five Judges

The following Presidents of the Chambers of five Judges of the Court of Justice are elected for a term of office of three years: **Alexander Arabadjiev** (Bulgaria), **Alexandra Prechal** (Netherlands), **Küllike Jürimäe** (Estonia), **Constantinos Lycourgos** (Cyprus) and **Eugene Regan** (Ireland).



OCTOBER



11



## Election of the Presidents of the Chambers of three Judges of the Court of Justice

The following Presidents of the Chambers of three Judges are elected for a term of office of one year: **Siniša Rodin** (Croatia), **Irmantas Jarukaitis** (Lithuania), **Niilo Jääskinen** (Finland), **Ineta Ziemele** (Latvia) and **Jan Passer** (Czech Republic).

OCTOBER



25

## European Day of Justice 2021

The Court of Justice is active on **Twitter** and **LinkedIn** to mark this day, which is designed to give European citizens a better understanding of their rights and to provide them with more information about how the judicial systems work.

OCTOBER



27

## New judges take office at the General Court

A formal sitting takes place on the occasion of the taking of the oath and entry into office of **Krisztián Kecsmár** (Hungary) and **Ion Gâlea** (Romania) as judges at the General Court.

NOVEMBER



8

## Meeting with the CCBE

A delegation from the Council of Bars and Law Societies of Europe (CCBE) meets Members of the Court of Justice and the General Court. The purpose of this meeting is to exchange views on the consequences of the procedural measures adopted as a result of the Covid-19 **pandemic** and on the efforts made by the courts to guarantee the **continuity of justice**.

NOVEMBER



10

## Judgment in *Google and Alphabet v Commission (Google Shopping)*

The General Court dismisses the action brought by Google against the Commission's decision sanctioning the undertaking for an **abuse of dominant position** and confirms **the fine of EUR 2.42 billion**. The undertaking had promoted its own comparison **shopping service** over those of competitors ([T-612/17](#)).

→ see p. 39

NOVEMBER



15

## Bilateral seminar of the Court of Justice and the French Council of State

During this seminar, **three round tables** are held on the following themes: 'Preliminary rulings: recent developments', 'The role of national courts in establishing failures to implement a directive and in imposing sanctions as a result', and 'Environmental law'.

NOVEMBER

16



### Judgment in *Governor of Cloverhill Prison and Others*

The provisions in the Withdrawal Agreement concerning **the European arrest warrant regime with respect to the United Kingdom** and the provision in the Trade and Cooperation Agreement between the EU and that third country concerning the new surrender mechanism are binding on Ireland ([C-479/21 PPU](#)).

→ see p. 71

NOVEMBER

22  
-  
23



### Meeting of Judges – 2021

During this annual event, **136 national judges from the 27 Member States** and the Members of the Court exchange views on current case-law and mechanisms for cooperation between the Court of Justice and national courts.

→ see p. 98

NOVEMBER

29



### Visit from a delegation from the European Court of Human Rights

**Three round tables** are held on the following themes: ‘The principle of non-discrimination – methodology and application’, ‘The detention of asylum seekers’ and ‘The expulsion of Third-Country nationals and the right to family life’.

DECEMBER

9



## Two new Members of the European Court of Auditors sworn in before the Court of Justice

**Helga Berger** (Austria) and **Marek Opiola** (Poland), appointed Members of the European Court of Auditors by the Council of the European Union, give the solemn undertaking required by the Treaties during a formal sitting.

DECEMBER

21



## Renewal of the term of office of the Registrar of the Court of Justice

The term of office of **Alfredo Calot Escobar** (Spain), Registrar of the Court of Justice since 7 October 2010, is renewed for a new term of six years, ending on 6 October 2028.





## B | The year in figures



As in 2020, the judicial activities of the Court of Justice of the European Union in 2021 were affected by the health crisis. Thanks to the measures put in place at the beginning of the crisis, the courts were able to fulfil their mission and to ensure the continuity of public service in the provision of European justice. Use of videoconferencing with simultaneous interpretation enabled the parties' representatives to conduct their cases from a distance and made it possible for the Court to maintain its considerable judicial workload in 2021.

The year was marked by a new upward trend in the number of cases brought before both courts, after the temporary decline in 2020, and the number of cases closed reflected a comparable trend.

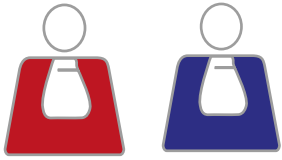
The increase in the number of **cases brought before the two courts**, to **1 720** (compared to 1 582 in 2020), is significant. This increase concerns primarily the Court of Justice and is due essentially to the significant increase in the number of appeals brought against the decisions of the General Court linked to the increase in that court's activity.

With a **total of 1 723 cases closed** (compared to 1 540 in 2020) for both courts, the Court of Justice achieved a result close to the figure for the previous year, while the number of cases closed by the General Court, which is particularly significant, is the result of the reform of the institutional architecture of the Union, completed in September 2019.

The **average duration of proceedings (17.2 months)**, which is longer than in 2020 (15.4 months), can be explained for the most part by the steps taken to mitigate the effects of the health crisis, including granting the parties an additional month to submit their written submissions.

This parallel growth in the overall number of cases brought and closed in 2021 also explains why the number of **cases pending** before the two courts remains stable: **2 541** (compared to 2 542 in 2020).

# The Institution in 2021



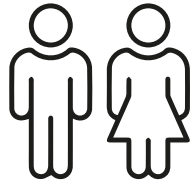
**81**  
**Judges**



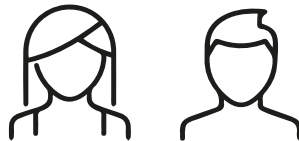
**11**  
**Advocates  
General**

from the

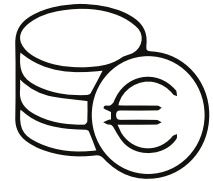
**27**  
Member States



**2 247**  
officials  
and other staff



**60%**      **40%**  
**1 355** women  
**892** men



**2021 BUDGET**

**444**  
million euros

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**The representation of women in positions of responsibility within the administration means that the Court exceeds the average for the European institutions.**

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Women hold

**54%** of administration posts

**40%** of middle and senior management posts



# The judicial year (Court of Justice and General Court)



**1 720**

Cases brought



**1 723**

Cases resolved



**2 541**

Pending cases

Procedural documents  
entered in the registers  
of the Registries

**173 167**

Average duration  
of proceedings

**17.2** months

**16.6** months

**Court of Justice**

**17.3** months

**General Court**

Percentage of  
procedural documents  
lodged via e-Curia

**85%**

**Court of Justice**

**93%**

**General Court**

**2 809**

judicial notices  
published  
in the Official Journal  
of the European Union

**8 378**

**Number of e-Curia  
accounts**

(an increase of **13.5%**  
compared to 2020)

e-Curia is an application of the Court of Justice of the European Union enabling the representatives of the parties in cases brought before the Court of Justice and the General Court and national courts, in the context of requests for a preliminary ruling of the Court of Justice, to send and receive procedural documents to and from the Registries purely by electronic means.



e-Curia: the computer application that allows the exchange of judicial documents

[see the video on YouTube](#)

# The linguistic services

As a multilingual judicial institution, the Court must be able to deal with a case irrespective of the official language of the European Union in which it has been brought. It then ensures that its case-law is disseminated in all those languages.



**24**

potential languages  
of the case

**552**

possible language  
combinations



**616**

lawyer-linguists  
to translate written  
documents

## Workload:

**1 337 000**

pages to be translated

**1 257 000**

pages produced by the legal  
translation service

Economy measures adopted by the Courts to reduce  
translation requirements by

**668 000**

pages

**71**

Interpreters for hearings  
and meetings

**423**

Hearings and meetings with  
simultaneous interpretation

At the Court, translations are produced in accordance with mandatory language arrangements covering all combinations of the 24 official languages of the European Union. The documents to be translated are all highly technical legal texts. That is why the Court's language service employs only lawyer-linguists who have completed their education in law and who have a thorough knowledge of at least two languages other than their mother tongue.







2

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**Judicial  
activity**



# A | a look back at the most important judgments of the year

## Rule of law



Why does the Court of Justice of the European Union exist?

[see the video on YouTube](#)



The Charter of Fundamental Rights of the European Union, like the Treaty on European Union, refers expressly to the rule of law, one of the values, common to the Member States, on which the European Union is founded. The Court of Justice is increasingly called upon to rule on the question of the compliance by Member States with the rule of law, whether in the context of actions for failure to fulfil obligations brought against them by the European Commission or requests for a preliminary ruling from national courts. The Court of Justice must therefore examine whether that founding value is respected at national level, in particular with regard to the judiciary and, more specifically, in connection with the process for appointing judges and the disciplinary regime for judges.

.....

The Court of Justice held that, since successive amendments to the **Polish Law on the National Council of the Judiciary** have the effect of removing effective judicial review of that council's decisions to proposing the President of the Republic candidates for the office of judge at the Sąd Najwyższy (Supreme Court, Poland), they are liable to infringe EU law. It stated that, where an infringement has been proved, the principle of the primacy of EU law requires the national court to disapply such amendments.

→ [Judgment of 2 March 2021, \*A.B. and Others \(Appointment of judges to the Supreme Court – Actions\)\*, C-824/18](#)





A Maltese association whose purpose is to promote the protection of justice and the rule of law had challenged before the Prim'Awla tal-Qorti Ċivili – Ġurisdizzjoni Kostituzzjonali (First Hall of the Civil Court, sitting as a Constitutional Court, Malta), **the procedure for the appointment of members of the Maltese judiciary**, as governed by the Constitution. The Court of Justice held that national provisions of a Member State which confer on the Prime Minister a decisive power in the appointment of members of the judiciary, while providing for the involvement of an independent body responsible for assessing candidates and providing an opinion, are not contrary to EU law.

→ [Judgment of 20 April 2021, \*Repubblika v Il-Prim Ministru\*, C-896/19](#)

The Court of Justice ruled on a series of **Romanian reforms in the areas of judicial organisation**, the disciplinary regime applicable to judges, and the financial liability of the State and the personal liability of judges as a result of judicial error. Taking the view that those reforms are likely to infringe EU law with regard to a number of aspects such as the creation of a specialised section of the Public Prosecutor's Office dedicated to cases involving judges, the conditions giving rise to the personal liability of judges and respect for their procedural rights, it observed that the principle of the primacy of EU law precludes national legislation, as interpreted by the Constitutional Court, which deprives a lower court of the right to disapply of its own motion a national provision which is contrary to EU law.

→ [Judgment of 18 May 2021, \*Asociația 'Forumul Judecătorilor din România' and Others\*, C-83/19 and Others](#)

The Court of Justice dismissed Hungary's action against the European Parliament resolution triggering the **procedure for determining the existence of a clear risk of a serious breach**, by that Member State, **of the values on which the European Union is founded**. That procedure is capable of leading to the suspension of certain rights resulting from EU membership. In applying its Rules of Procedure which provide that, in calculating whether a text has been adopted or rejected, account is to be taken only of votes cast 'for' and 'against' (except in those cases for which the Treaties lay down a specific majority), the Parliament only took into consideration, in calculating the votes on the resolution at issue, the votes in favour and against cast by its Members and excluded abstentions. The Court of Justice held that, when calculating the votes cast when that resolution was adopted, the Parliament was right to exclude the taking into account of abstentions, contrary to Hungary's submissions in its action for annulment.

→ [Judgment of 3 June 2021, \*Hungary v Parliament\*, C-650/18](#)



The Court of Justice held that the **disciplinary regime** applicable to judges of the Sąd Najwyższy (Supreme Court, Poland) and judges of the ordinary courts is not compatible with EU law. The European Commission brought an action before the Court of Justice seeking a declaration that, by that new disciplinary regime and, in particular, by establishing a new disciplinary chamber within the Supreme Court, Poland had infringed EU law. The Court of Justice upheld all of the Commission's complaints: in the light of the wider context of major reforms which had recently affected the Polish judiciary and the combination of factors that framed the process whereby that new chamber was established, it held inter alia that that chamber does not offer all the guarantees of impartiality and independence and is not protected from the direct or indirect influence of the Polish legislature and executive.

→ [Judgment of 15 July 2021, Commission v Poland, C-791/19](#)

The Court of Justice held that **transfers without consent of a judge** from one court to another or between two divisions of the same court are liable to undermine **the principles of the irremovability of judges and judicial independence**. Moreover, the order by which a court, ruling at last instance and sitting as a single judge, dismissed the action of a judge transferred against his or her will, must be declared null and void if the appointment of that single judge took place in clear breach of fundamental rules concerning the establishment and functioning of the judicial system concerned.

→ [Judgment of 6 October 2021, W.Ż. \(Chamber of Extraordinary Control and Public Affairs of the Supreme Court – Appointment\), C-487/19](#)

The Court of Justice considered that the independence and impartiality of judges and the presumption of innocence may be jeopardised by the regime currently in force in Poland, which permits, inter alia, **the Minister for Justice to second judges to higher criminal courts and to terminate that secondment at any time without stating reasons**. The lack of criteria for those secondments creates a risk of political control being exerted over the content of judicial decisions, especially since the Minister also assumes the role of Public Prosecutor General.

→ [Judgment of 16 November 2021, Prokuratura Rejonowa w Mińsku Mazowieckim and Others, C-748/19 and Others](#)



The Court of Justice dealt with a number of cases following on from the reform of the judicial system with regard to **combating corruption in Romania**. The question arose as to whether the application of the case-law arising from a number of decisions of the Curtea Constituțională (Constitutional Court, Romania) on the rules of criminal procedure applicable to fraud and corruption proceedings was liable to infringe EU law. The Court of Justice reaffirmed that the primacy of EU law requires **that national courts are to be empowered to disapply a decision of a constitutional court that is contrary to EU law**, without national judges incurring disciplinary liability. EU law precludes the application of the case-law of a constitutional court leading to the setting aside of judgments delivered by panels of judges which are deemed to be improperly constituted, in so far as the setting aside of those judgments, in conjunction with the national provisions on limitation periods, creates a systemic risk of impunity in respect of acts constituting serious offences of fraud.

→ [Judgment of 21 December 2021, Euro Box Promotion and Others, C-357/19 and Others](#)

In a reference for a preliminary ruling from a Hungarian court, the Court of Justice ruled on the compatibility of Hungarian law with the EU directive on the **right to interpretation and translation in criminal proceedings**. As the Alkotmánybíróság (Supreme Court, Hungary) had ruled that referring the matter to the Court of Justice for a preliminary ruling was unlawful, the Court of Justice, in addition, reaffirmed that the system of cooperation between the national courts and the Court of Justice precludes a **national supreme court from declaring that a request for a preliminary ruling submitted by a lower court is unlawful**. Moreover, EU law precludes disciplinary proceedings from being brought against a national judge on the ground that he or she has made a reference for a preliminary ruling to the Court of Justice: such proceedings are liable to deter all national courts from making references for a preliminary ruling, which could jeopardise the uniform application of EU law.

→ [Judgment of 23 November 2021, IS \(Illegality of the order for reference\), C-564/19](#)





## Competition

The European Union applies rules to protect free competition. Practices which have as their object or effect the prevention, restriction or distortion of competition within the internal market are prohibited. More specifically, EU law prohibits certain agreements or exchanges of information between an undertaking and its competitors which may have such an object or effect and the abuse of a dominant position in a certain market by an undertaking. At the same time, the Merger Regulation aims to prevent an acquisition or merger of undertakings from creating or strengthening a dominant position.



The General Court – Ensuring EU Institutions Respect EU Law

[see the video on YouTube](#)



.....

The General Court confirmed the Commission's decision to impose a total fine of approximately EUR 254 million on several **Japanese undertakings** on account of their participation, during various periods between 1998 and 2012, in a **cartel on the market for aluminium electrolytic capacitors and tantalum electrolytic capacitors**, components used in almost all electronic products, such as personal computers and tablets.

→ [Judgments of 29 September 2021, NEC v Commission, T-341/18 and Others](#)



The General Court dismissed the action brought by the **multinational cable and telecommunications company Altice Europe** against the Commission decision imposing on it fines totalling EUR 124.5 million in connection with the **acquisition of PT Portugal**. The Commission accused Altice Europe, first, of having infringed the obligation to notify the concentration and, secondly, of not complying with the prohibition on implementing the concentration before its notification to the Commission and before its authorisation by the Commission. However, the General Court ordered that the amount of the fine relating to the breach of the obligation to notify the concentration be reduced by EUR 6.22 million.

→ [Judgment of 22 September 2021, Altice Europe v Commission, T-425/18](#)

The General Court confirmed the Commission's decisions authorising the **mergers concerning the acquisition, by easyJet and Lufthansa, of certain assets of the Air Berlin group**. It dismissed the action brought by the airline Polskie Linie Lotnicze 'LOT', a competitor of the two companies involved in the mergers, by pointing out, in particular, that the Commission can identify the relevant markets by city pairs from or to the airports with which Air Berlin's slots were associated, instead of examining individually each of the markets in which Air Berlin, on the one hand, and Lufthansa and easyJet, on the other, were present.

→ [Judgments of 20 October 2021, Polskie Linie Lotnicze 'LOT' v Commission, T-240/18 and T-296/18](#)

The General Court confirmed the Commission's decision which found that **Google abused its dominant position by favouring its own comparison shopping service** on its general results pages through more favourable display and positioning over the results of competing comparison shopping services. The General Court also upheld the amount of the fine, set by the Commission at **EUR 2.42 billion**, of which EUR 523.5 million was imposed on Google jointly and severally with its parent company Alphabet.

→ [Judgment of 10 November 2021, Google and Alphabet v Commission, T-612/17](#)

Between 1997 and 1999, the company Sumal acquired two trucks from Mercedes Benz Trucks España ('MBTE'), a subsidiary of the Daimler group, whose parent company is Daimler AG. By a 2016 decision, the European Commission found an infringement, by Daimler AG, of EU law rules prohibiting cartels as a result of the conclusion, between January 1997 and January 2011, of **arrangements with 14 other European truck producers on pricing and gross price increases for trucks in the European Economic Area (EEA)**. Following that decision, Sumal brought an action for damages against MBTE for loss resulting from that cartel. The Court of Justice held that the victim of an infringement of EU competition law committed by a parent company may seek compensation from that company's subsidiary for the resulting loss but that it must prove that the two companies constituted an economic unit at the time of the infringement and that the subsidiary is active on the market affected by the infringement.

→ [Judgment of 6 October 2021 Sumal, C-882/19](#)







## Environment

**The protection of flora and fauna, air, land and water pollution and the risks associated with dangerous substances are all challenges which the European Union is contributing to resolve by adopting strict rules.**

.....

In an action for failure to fulfil obligations brought by the Commission, the Court of Justice held that Spain should have taken into account illegal water abstraction and the abstraction of water intended for urban supply when estimating the **abstraction of groundwater from the Doñana region** (Spain) which is home to the largest protected natural area in Europe. Moreover, that Member State failed to take appropriate steps to avoid the disturbance of protected habitats located within that natural park.

→ [Judgment of 24 June 2021, Commission v Spain \(Deterioration of the Doñana natural area\), C-559/19](#)

**Fishing using electric current** was prohibited by new rules adopted in 2019 by the European Parliament and the Council. The Netherlands asked the Court of Justice to annul those provisions, submitting inter alia that the EU legislature had not relied on the best scientific opinions available concerning the environmental impacts with regard to the exploitation of **North Sea sole**. The Court of Justice dismissed that action and confirmed the validity of those rules: the EU legislature has a wide discretion in this field and is not obliged to base its legislative choice on scientific and technical opinions only.

→ [Judgment of 15 April 2021, Netherlands v Council and Parliament, C-733/19](#)



With regard to the authorisation of **hunting using limes**, the Court of Justice held that a Member State (in this case **France**) may not authorise a method of capture of birds leading to by-catch which is likely to cause harm other than negligible harm to the species concerned. The fact that such a method is traditional is not, in itself, sufficient to rule out any other satisfactory alternative solution. The Court of Justice clarified the conditions which would allow derogation from the prohibition, laid down in the Birds Directive, on using certain methods of capture of protected birds.

→ [Judgment of 17 March 2021, One Voice and Ligue pour la protection des oiseaux, C-900/19](#)

In an action for failure to fulfil obligations brought by the Commission against **Hungary** concerning the systematic and persistent exceedance of the **limit values for particulate matter PM10**, the Court of Justice held that that Member State had infringed the rules of EU law on ambient air quality and that it had failed to fulfil its obligations to ensure throughout its territory, first, that the daily limit value for particulate matter PM10 was complied with and, secondly, that the period of exceedance of that value was kept as short as possible.

→ [Judgment of 3 February 2021, Commission v Hungary \(Limit values - PM10\), C-637/18](#)

The Court of Justice held that, between 2010 and 2016, Germany had infringed the Air Quality Directive by systematically and persistently exceeding the **limit values for nitrogen dioxide (NO<sub>2</sub>)**. Germany also infringed its obligation to adopt appropriate measures in good time to ensure that the exceedance period was kept as short as possible in the zones concerned.

→ [Judgment of 3 June 2021, Commission v Germany \(Limit values - NO<sub>2</sub>\), C-635/18](#)





## Institutions

**It is for the two courts of the European Union to verify that acts (or failure to adopt certain acts) of the institutions, bodies, offices and agencies of the Union comply with EU law. Accordingly, the Court of Justice and the General Court are responsible for the judicial protection of the rights of individuals, where they are directly and individually concerned by decisions taken at EU level. By contrast, only the national courts are competent to review the lawfulness, in the light of national law, of acts of national authorities.**

.....

The General Court annulled the decision of the European Anti-Fraud Office (OLAF) not to grant **partial access to the final report** of its investigation relating to **street-lighting projects** implemented by the company Elios in **Hungary** with financial participation from the European Union. Since the Hungarian authorities have already closed the national investigations relating to that report, the protection of investigations no longer justifies the refusal to grant access to the document requested.

→ [Judgment of 1 September 2021, Homoki v Commission, T-517/19](#)

The Court of Justice annulled the decisions of the Council on the application of the **Comprehensive and Enhanced Partnership Agreement signed with Armenia** on 24 November 2017. It held that, although the Partnership Agreement has some links with the common foreign and security policy (CFSP), the components or declarations of intention that it includes which may be linked to the CFSP are insufficient to constitute an autonomous component of that agreement capable of justifying the splitting of the Council measure into two separate decisions. That split had led notably to recourse to the rule requiring a unanimous vote for one of the acts concerned and to that requiring a qualified majority for the other.

→ [Judgment of 2 September 2021, Commission v Council \(Agreement with Armenia\), C-180/20](#)

The General Court dismissed the action brought by Romania against the Commission's decision registering the **proposed European citizens' initiative** (ECI) entitled 'Cohesion policy for the equality of the regions and sustainability of the regional cultures'. It ruled, for the first time, on whether a Commission decision to register such a proposed citizens' initiative may be challenged. That proposed ECI had been submitted in 2013 to the Commission which, initially, refused to register it on the ground that it fell manifestly outside the framework of its powers to submit a proposal for an EU legal act for the purposes of implementing the Treaties. The Court of Justice had annulled the decision by the Commission which, by decision of 30 April 2019, then registered the proposed ECI at issue.

→ [Judgment of 10 November 2021, Romania v Commission, T-495/19](#)

The General Court ruled on the starting point of the period prescribed for instituting proceedings against a decision concerning a person subject to the **Staff Regulations of Officials of the European Union** in the event of an unsuccessful notification of a registered letter. In the absence of provisions governing the determination of the point from which time starts to run for the calculation of the time limit for bringing proceedings in the event of failure to take delivery of a registered letter with acknowledgement of receipt in disputes under the Staff Regulations, the General Court, moreover, recalled that legal certainty and the need to avoid any discrimination or arbitrary treatment in the interest of the proper administration of justice preclude the presumption of notification on expiry of the retention period for the registered letter sent to the applicant's home address. Finally, the General Court ruled that, since that decision was notified **by email** (the receipt of which was immediately acknowledged by the recipient), the period for bringing an action began to run from the date of notification.

→ [Judgment of 3 March 2021, Barata v Parliament, T-723/18](#)

In a case between the Republic of Moldova and a Ukrainian company, the Court of Justice was asked about the **classification as an 'investment' within the meaning of the Energy Charter Treaty (ECT), of a claim which arose from a contract for the sale of electricity**. It held that the acquisition, by an undertaking of a Contracting Party to the ECT, of a claim arising from a contract for the supply of electricity, which is not connected with an investment, held by an undertaking of a third State against a public undertaking of another Contracting Party to that treaty, does not constitute an 'investment' within the meaning of the ECT. A claim arising from a mere contract for the sale of electricity cannot be regarded as having been granted in order to undertake an economic activity in the energy sector. It follows that a mere contract for the supply of electricity, generated by other operators, is a commercial transaction which cannot, in itself, constitute an investment.

→ [Judgment of 2 September 2021, Republic of Moldova, C-741/19](#)



In its Opinion delivered at the request of the European Parliament, the Court of Justice stated that the Treaties do not prohibit the **Council from waiting, before adopting the decision concluding the Council of Europe Convention on preventing and combating violence against women and domestic violence** (known as the Istanbul Convention) on behalf of the European Union, for the 'common accord' of the Member States, but the Council cannot alter the procedure for concluding that convention by making that conclusion contingent on the prior establishment of such a 'common accord'. The Court of Justice specified the appropriate substantive legal basis for the adoption of the Council act concluding the part of the Istanbul Convention covered by the envisaged agreement. It also held that the act concluding that convention may be divided into two separate decisions where an objective need to do so is established.

→ [Opinion of 6 October 2021  
Istanbul Convention, 1/19](#)





## Taxation

In order to ensure the proper functioning of the internal market, the European Union has harmonised certain indirect taxes, such as excise duty on energy products. Thus, by setting minimum levels of taxation on, inter alia, fuel, an EU directive seeks to reduce disparities between national levels of taxation. Moreover, even direct taxes which in principle fall within the competence of the Member States, such as corporate tax, must comply with basic EU rules, such as the prohibition of State aid. As in previous years, judgments were delivered in connection with 'tax rulings' issued in certain Member States under which multinational corporations benefited from special tax treatment which the Commission regarded as incompatible with that prohibition.

.....

In an action for failure to fulfil obligations brought by the Commission, **the Court of Justice held that Italy had infringed EU law by exempting from excise duty fuels used for private pleasure craft.** The EU directive providing for minimum levels of fuel taxation grants an exemption only in cases where the vessel is used by the end user for commercial purposes. The fact that chartering constitutes a commercial activity for the person making that vessel available to another is irrelevant in that regard.

→ [Judgment of 16 September 2021, Commission v Italy \(Excise duty – Fuel for pleasure craft\), C-341/20](#)

In actions brought by Luxembourg and Amazon, the General Court annulled the Commission's decision according to which, between 2006 and 2014, Luxembourg had granted **Amazon EU**, at that time Amazon's sales hub for the whole of Europe, based in Luxembourg, **State aid that was contrary to EU law**, by allowing it, by means of **tax rulings**, to pay significantly less tax than other undertakings. According to the Commission, Luxembourg ought to recover from Amazon the undue tax advantages amounting to approximately EUR 250 million, together with interest. In its judgment, the General Court found that the Commission had not demonstrated sufficiently that Amazon EU's taxable income had been artificially reduced as a result of an overpricing of the royalty it paid to another company in the Amazon group for the use of certain intellectual property rights.

→ [Judgment of 12 May 2021, Luxembourg and Amazon v Commission, T-816/17 and Others](#)

The General Court dismissed the actions brought by **Luxembourg and the energy supplier Engie** against the decision by which the Commission had found that Luxembourg had granted Engie **State aid that was contrary to EU law** by allowing, by means of tax rulings, two companies in that group resident in Luxembourg to evade tax on almost all of their profits. According to the Commission, Luxembourg must recover some EUR 120 million of unpaid tax, together with interest. In its judgment upholding that decision, the General Court pointed out that **Luxembourg had failed to find an abuse of rights by Engie even though all of the criteria were met.**

→ [Judgment of 12 May 2021, Luxembourg and Others v Commission, T-516/18 and Others](#)







## Intellectual property

The Court of Justice and the General Court ensure the interpretation and application of the rules adopted by the European Union to protect all exclusive rights to intellectual creations. Moreover, the protection of intellectual property (copyright) and industrial property (trade mark law, protection of designs, patent law) improves the competitiveness of undertakings by fostering an environment conducive to creativity and innovation.

.....

In a dispute between Lego and a German company, the General Court held that the European Union Intellectual Property Office (EUIPO) had erroneously declared invalid a design of a **brick of a LEGO toy building set**. The General Court took the view that EUIPO should have carried out an appropriate assessment of the exceptions to the Regulation on Community Designs by taking into consideration all the features of appearance of the design concerned. The General Court recalled that **a design cannot be declared invalid if at least one of its features is not dictated by the technical function of that product**.

→ Judgment of 24 March 2021, *Lego v EUIPO – Delta Sport Handelskontor (Building block from a toy building set)*, T-515/19

The General Court recognised the **validity of a three-dimensional mark** representing the **shape of a lipstick**. In so doing, it annulled the decision of the European Union Intellectual Property Office (EUIPO) which had dismissed the initial application for registration of that sign as an EU trade mark to designate lipsticks. According to the General Court, **the mark applied for has distinctive character** because it departs significantly from the norm and customs of the lipstick sector in that the lipstick has a rounded shape, rather than being vertical and cylindrical.

→ Judgment of 14 July 2021, *Guerlain v EUIPO (Shape of an oblong, tapered and cylindrical lipstick)*, T-488/20

The General Court held that an audio file reproducing the **sound made by the opening of a drinks can**, followed by silence and a fizzing sound, cannot be registered as an EU trade mark to designate drinks, inter alia, in so far as it is not distinctive. The General Court thus shares EUIPO's view and recalls that **a sound mark must have distinctive character in order for the consumer to be able to perceive it as a trade mark** and not as a functional element without any inherent characteristics.

→ Judgment of 7 July 2021,  
Ardagh Metal Beverage Holdings v EUIPO  
(Combination of sounds on opening a can of soft drink), T-668/19

The General Court dismissed the action brought by **Chanel** against **Huawei's** application for registration of a mark with the European Union Intellectual Property Office (EUIPO) on the ground that the figurative signs at issue are not similar and held that the marks must be compared as applied for and registered, without altering their orientation. The General Court stated that **the mere presence, in each of the marks at issue, of two elements that are connected to each other does not render the marks similar even though they share the basic geometric shape of a circle surrounding those elements.**

→ Judgment of 21 April 2021,  
Chanel v EUIPO – Huawei Technologies  
(Representation of a circle containing two interlaced curves), T-44/20



The General Court ruled on **the possibility for a UK lawyer to represent a party in proceedings before it in an action against a decision of the European Union Intellectual Property Office (EUIPO)**. The General Court recalled the two cumulative conditions for a person to be validly permitted to represent parties (other than the Member States and the EU institutions) before the Courts of the European Union: first, that person must be a lawyer and, secondly, he or she must be authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement. The action had been brought after 31 December 2020, the end of the transition period before the United Kingdom's permanent withdrawal from the European Union and is not covered by any of the situations provided for in the withdrawal agreement in which a lawyer authorised to practise before the courts or tribunals of the United Kingdom, with regard to whom it has not been established that he or she is authorised to practise before a court of a Member State or of another State which is a party to the EEA Agreement, may represent a party before the Courts of the European Union. The action was therefore found to be inadmissible.

→ [Order of 7 December 2021, Daimler v EUIPO – Volkswagen \(IQ\), T-422/21](#)

The Court of Justice held that, where the copyright holder has adopted or imposed measures to **restrict framing**, the embedding of a work in a website page of a third party, by means of that technique, constitutes making available that work to a new public. That communication to the public must be authorised by the copyright holder.

→ [Judgment of 9 March 2021, VG Bild-Kunst, C-392/19](#)

The Court of Justice clarified, in connection with the set of rules prior to those introduced by the new 2019 Copyright Directive, the circumstances in which **online platforms** (in this case YouTube and Cyando) **could incur liability**. It held that the operators of such platforms **do not, in principle, themselves make a communication to the public** of copyright-protected content illegally posted online by users of those platforms. They may, however, incur liability for a communication in breach of copyright where they contribute, beyond merely making those platforms available, to giving access to such content to the public.

→ [Judgment of 22 June 2021, YouTube, C-682/18](#)

In this case, the internet connections of Telenet customers had been used to share films in the Mircom catalogue on a peer-to-peer network. The Court of Justice held that the protection of the rights of the holder of intellectual property may justify the **systematic registration of IP addresses** of users and the communication of their names and postal addresses to the rightsholder or to a third party in order to **enable an action for damages to be brought**. However, the request for information from a holder of intellectual property rights is not to be abusive and must be justified and proportionate.

→ [Judgment of 17 June 2021, M.I.C.M., C-597/19](#)



An owner of tapas bars in Spain used the sign CHAMPANILLO to designate and promote his establishments. His advertising depicted two champagne coupes containing a sparkling beverage. The Comité Interprofessionnel du Vin de Champagne (CIVC), an organisation which safeguards the interests of champagne producers, sought to prohibit the use of the term champanillo (which in Spanish means 'little champagne') on the ground that the use of that sign infringed the protected designation of origin (PDO) 'Champagne'. The Court of Justice clarified **that products covered by a PDO are protected vis-à-vis prohibited conduct in respect of both products and services.**

→ **Judgment of 9 September 2021,**  
*Comité Interprofessionnel du Vin de Champagne, C-783/19*





## Protection of personal data



The Court of Justice in the Digital World

[see the video on YouTube](#)



The European Union has set out rules forming a solid and coherent foundation for the protection of personal data regardless of the context in which those data are collected (online shopping, bank loans, job searches, requests for information from public authorities). The rules apply equally to public and private persons and entities established within or outside the European Union, including undertakings that offer goods or services, such as Facebook or Amazon, whenever they request or re-use the personal data of Union citizens.

In 2021, the Court of Justice gave a number of rulings on the liability stemming from the collection and processing of personal data by national authorities and private undertakings.



The Court of Justice held that the legislation of a Member State which obliges the road safety authority to make the **data relating to the penalty points imposed on drivers** for road traffic offences accessible to the public is contrary to EU law. It took the view that it had not been established that that system is necessary in order to improve road safety. The case concerned **Latvian legislation on road traffic** which provides that information relating to the penalty points imposed on drivers of vehicles is accessible to the public and disclosed to any person who so requests, without that person having to establish a specific interest in obtaining that information.

→ [Judgment of 22 June 2021, Latvijas Republikas Saeima \(Penalty points\), C-439/19](#)



The Court of Justice held that access, for purposes in the criminal field, to a set of traffic or location **data in respect of electronic communications**, allowing precise conclusions to be drawn concerning a user's private life, is permitted only in order to **combat serious crime or prevent serious threats to public security**. In addition, EU law precludes national legislation that confers upon the public prosecutor's office the power to authorise access of a public authority to such data for the purpose of conducting a criminal investigation.

→ [Judgment of 2 March 2021, Prokuratuur \(Conditions of access to data relating to electronic communications\), C-746/18](#)

In a judgment delivered in a case concerning the protection of personal data involving **Facebook Ireland**, the Court of Justice specified the conditions for the exercise of the **national supervisory authorities' powers** with respect to the cross-border processing of data, stating that, under certain conditions, such an authority may bring any alleged infringement of the General Data Protection Regulation (GDPR) before a court of a Member State, even though that authority is not the lead supervisory authority with regard to that processing. The Court of Justice also took the view that, since Facebook Ireland had **not adequately informed internet users** of the collection and use of the information concerning them, their consent to the processing of those data was not valid.

→ [Judgment of 15 June 2021, Facebook Ireland and Others, C-645/19](#)







## Consumer protection

The promotion of consumers' rights, their prosperity and their well-being are fundamental values in the development of EU policies. The Court of Justice monitors the application of the rules protecting consumers with a view to ensuring the protection of their health, safety and economic and legal interests, wherever they live, travel to or buy from within the European Union.

.....



The Court of Justice: Guaranteeing the Rights of EU Consumers

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What has the Court of Justice done for me?

[see the video on YouTube](#)



The General Court annulled the Commission's decision that **the exemption from charging a deposit on drinks packaging** sold by German border shops to customers resident in Denmark does not constitute State aid. The Commission erred in law in concluding that the condition relating to State resources was not satisfied.

→ [Judgment of 9 June 2021, Dansk Erhverv v Commission, T-47/19](#)

In the processing of organic foodstuffs such as rice- and soya-based organic drinks for the purpose of their enrichment with calcium, the addition of the alga *Lithothamnium calcareum* (*lithothamnium*) was prohibited by the Court of Justice, which observed that **EU law lays down strict rules on the addition of minerals, such as calcium, in the production of organic food**. Authorising the use of the powder of that alga as a non-organic ingredient of agricultural origin would amount to permitting producers of those foodstuffs to circumvent those rules.

→ [Judgment of 29 April 2021, Natumi, C-815/19](#)

The Court of Justice held that **the mere diversion of a flight to an airport close to the original destination airport does not grant a right to flat-rate compensation. However**, it stated that **the air carrier must**, on its own initiative, **offer the passenger to bear the cost of transfer** either to the destination airport for which the booking was made or, where appropriate, to another close-by destination agreed with the passenger. In order to be released from its obligation to pay compensation to passengers in the event of a long delay in the arrival of a flight, the air carrier may rely on an extraordinary circumstance which affects not the delayed flight but an earlier flight operated by that air carrier using the same aircraft.

→ [Judgment of 22 April 2021, Austrian Airlines, C-826/19](#)

The Court of Justice found that a **strike** organised by a trade union of the staff of an air carrier, that is **intended in particular to secure pay increases, does not constitute an 'extraordinary circumstance'** which releases the airline from its obligation to pay compensation in cases of cancellation or long delay. The air carrier's freedom to conduct a business, its property rights and its right of negotiation are not impaired by not using that categorisation for such a strike, which is organised in compliance with the conditions laid down by national legislation.

→ [Judgment of 23 March 2021, Airhelp, C-28/20](#)

The Court of Justice held **that a euro area Member State can oblige its administration to accept payments in cash**. It did, however, state that the Member State can also restrict that payment option on public interest grounds, in particular where payment in cash is likely to involve the administration an unreasonable expense because of the very high number of persons liable to pay. It also specified that **the obligation to accept banknotes may be restricted for reasons of public interest**, provided that those restrictions are proportionate to the public interest objective pursued, which means, in particular, that other lawful means must be available to the persons liable to pay for the settlement of monetary debts.

→ [Judgment of 26 January 2021, Hessischer Rundfunk, C-422/19 and C-423/19](#)



The Court of Justice held that **Hungarian legislation which prohibits the annulment of a loan agreement denominated in a foreign currency on the ground that it contains an unfair term** relating to the exchange difference appears to be compatible with EU law if that legislation makes it possible to re-establish the legal and factual situation which would have existed for the consumer in the absence of the unfair term, even if the annulment of the agreement would have been more advantageous for the consumer. In addition, the wishes expressed by the consumer concerned cannot prevail over the assessment, which is for the national court to make, of the question whether the Hungarian national legislation does actually make it possible to re-establish the legal and factual situation of the consumer.

→ [Judgment of 2 September 2021, OTP Jelzálogbank and Others, C-932/19](#)

In a case in which the Irish shipping company Irish Ferries had to cancel the entire 2018 season of sailings because, as a result of delays in the delivery of a new vessel, it had been unable to commission a replacement vessel, the Court of Justice clarified several provisions on passengers' rights when travelling by sea or inland waterway (cancellation, compensation, ticket price etc.). It found in particular **that the re-routing and compensation obligations in the event of cancellation of a transport service are proportionate to the objective pursued by the relevant applicable legislation.**

→ [Judgment of 2 September 2021, Irish Ferries, C-570/19](#)

The Court of Justice ruled on a **'zero tariff' internet** option, a commercial practice whereby an access provider applies a 'zero tariff', or a more advantageous tariff, to all or part of the data traffic associated with an application or category of specific applications, offered by partners of that access provider. The Court of Justice held that such tariff options are contrary to the regulation on open internet access, as are limitations on bandwidth, tethering or on use when roaming, on account of the activation of such an option.

→ [Judgments of 2 September 2021, Vodafone, C-854/19 and Others](#)





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## Family law

The European Union lays down common rules of family law to prevent Union citizens from being impeded in the exercise of their rights because they live in different Member States of the European Union or because they moved from one Member State to another in the course of their life.

The provisions governing cross-border disputes between children and their parents are contained in the Brussels IIa Regulation, the cornerstone of judicial cooperation within the European Union in matrimonial matters and matters of parental responsibility.

.....

The Court of Justice ruled on an **international child abduction** file in the context of a case concerning the application for return to Sweden of the child of an Iranian couple who had been taken to Finland. It took the view that a **situation in which one parent**, without the other parent's consent, **has removed the child** from his or her State of habitual residence to another Member State of the European Union, **cannot constitute a wrongful removal (or retention)**, once the authority of the State of residence that is competent in immigration matters has taken the view that **it is in that other Member State that the applications for asylum** concerning the child and the parent in question **should be examined**.

→ [Judgment of 2 August 2021, A, C-262/21 PPU](#)



The case of a child, being a minor and a Union citizen, whose birth certificate was drawn up by the host Member State and designates as the child's **parents two persons of the same sex**, was brought before the Court of Justice. It found that the Member State of which that child is a national is obliged to issue an identity card or a passport to that child without requiring a birth certificate to be drawn up beforehand by its national authorities. That Member State is also obliged to recognise the document from the host Member State that permits **that child to exercise, with each of those two persons, the child's right to move and reside freely within the territory of the European Union.**

→ Judgment of 14 December 2021,  
Stolichna obshtina, rayon 'Pancharevo', C-490/20





## Social security

EU rules seek to coordinate the national social security systems in order to guarantee that people who are going to settle in another Member State of the European Union do not lose their social security cover (pension rights and health care, for example) and that they always know to which national provisions they are subject. In other words, a person exercising his or her right to free movement in Europe must not be prejudiced as compared with a person who has always resided and worked in a single Member State. Within that framework of rules and principles, the Court of Justice seeks to ensure the social security of Union citizens, whilst reconciling that with the protection of the public finances of the host Member State.

.....

In a case concerning citizenship and affiliation to a **national social security scheme**, the Court of Justice afforded economically inactive Union citizens residing in a Member State other than their Member State of origin the right to be affiliated to the public sickness insurance scheme of the host Member State. It did, however, state that that affiliation did not necessarily have to be free of charge.

→ [Judgment of 15 July 2021, A \(Public health care\), C-535/19](#)



In the context of the withdrawal of the United Kingdom from the European Union, UK legislation established a new scheme for EU citizens under which the grant of a right of residence is not subject to any condition as to resources. By contrast, it deprives EU citizens of social assistance benefits known as Universal Credit. The Court of Justice took the view that that legislation is compatible with the principle of equal treatment guaranteed by EU law. However, the competent national authorities must check that **a refusal to grant such social assistance benefits does not expose the Union citizen and his or her children to a risk of infringement of their fundamental rights, in particular the right to respect for human dignity.**

→ [Judgment of 15 July 2021,  
The Department for Communities in Northern Ireland, C-709/20](#)

The Court of Justice clarified the criteria to be taken into account in order to assess whether a **temporary-work agency** ordinarily performs ‘substantial activities other than purely internal managerial activities’ in the Member State in which it is established. According to the Court of Justice, in order for it to be considered that it ‘normally carries out its activities’ in a Member State, a temporary-work agency must carry out a significant part of its activities of assigning temporary agency workers for the benefit of user undertakings established and carrying out their activities in the territory of that same Member State. The performance of the activities of selecting and recruiting such workers in the Member State in which the temporary-work agency is established is insufficient for it to be considered that that undertaking carries out ‘substantial activities’ there.

→ [Judgment of 3 June 2021,  
TEAM POWER EUROPE, C-784/19](#)





## Equal treatment

The Charter of Fundamental Rights of the European Union enshrines the equality before the law of all individuals as human beings, workers, citizens or parties to judicial proceedings. Directive 2000/78 in particular provides a general framework for equal treatment in employment and occupation and protection against discrimination based on religion or belief, age, disability or sexual orientation in those fields. The Court of Justice decided several cases relating to alleged cases of discrimination, whether direct or indirect, whilst pointing to the necessary respect for the principle of proportionality between the objective pursued by the rules called into question and the principle of equal treatment.

.....

In July 2021, the Court of Justice held to be contrary to EU law the legislation of a Member State imposing an absolute bar on a prison officer remaining in employment when his or her hearing acuity does not meet minimum standards of sound perception without allowing it to be ascertained whether that officer is capable of performing his or her duties. According to the Court of Justice, that legislation amounts to **direct discrimination on grounds of disability**.

→ [Judgment of 15 July 2021, Tartu Vangla, C-795/19](#)

Two cases concerned Muslim employees who had decided to wear **a religious veil in the workplace**. According to the Court of Justice, a prohibition, laid down by the employer, on wearing any visible form of expression of political, philosophical or religious beliefs in the workplace **may be justified** by a genuine need on the part of the employer to present a neutral image towards customers or to prevent social disputes. However, in reconciling the rights at issue, the national courts may take into account the specific context of their Member State and more favourable national provisions on the protection of freedom of religion.

→ [Judgment of 15 July 2021, WABE and MH Müller Handel, C-804/18 and C-341/19](#)



## State aid and covid 19

In June 2020, **Portugal** notified the Commission of State aid for the airline Transportes Aereos Portugueses SGPS SA, the parent company and 100% shareholder in **TAP Air Portugal**, consisting in a loan of a maximum of EUR 1.2 billion. The General Court annulled the Commission's decision declaring the aid compatible with the internal market, in the context of the Covid-19 pandemic, because an inadequate statement of reasons had been provided for that decision. However, on account of that same context, the effects of the annulment were suspended pending the adoption of a new decision by the Commission.

→ [Judgment of 19 May 2021, Ryanair v Commission \(TAP; Covid-19\), T-465/20](#)

In April 2020, **Germany** notified the Commission of individual aid in favour of the airline **Condor Flugdienst GmbH** in the form of two loans in the amount of EUR 550 million, guaranteed by the State with subsidised interest. The General Court annulled the Commission's decision approving the aid on the ground of an inadequate statement of reasons. However, because of the economic and social context marked by the Covid-19 pandemic, it suspended the effects of the annulment pending the adoption of a new decision by the Commission.

→ [Judgment of 9 June 2021, Ryanair v Commission \(Condor; Covid-19\), T-665/20](#)

The General Court found that the State aid scheme put in place by **Sweden**, in the form of **loan guarantees for airlines holding a Swedish operating licence**, in order to remedy the serious disturbance to the economy of that Member State amid the Covid-19 pandemic, is compatible with EU law. More specifically, the scheme is aimed at airlines which, on 1 January 2020, held a licence to conduct commercial activities in the field of aviation, with the exception of airlines operating unscheduled flights.

→ [Judgment of 17 February 2021, Ryanair v Commission, T-238/20](#)

The General Court approved the State aid scheme introduced by **France** in the form of the **deferral of the payment of taxes** to support airlines holding a French licence. That aid scheme, which concerns civil aviation tax and solidarity tax on airline tickets due on a monthly basis during the period from March to December 2020, was deemed by the General Court to be appropriate for making good the economic damage caused by the Covid-19 pandemic and does not therefore constitute discrimination inconsistent with EU law.

→ [Judgment of 17 February 2021, Ryanair v Commission, T-259/20](#)

The General Court approved the aid, in the form of two revolving credit facilities, each of up to 1.5 billion Swedish kronor (SEK), introduced by **Sweden** and **Denmark** for the company **SAS** for damage resulting from the cancellation or rescheduling of flights in the wake of travel restrictions caused by the Covid-19 pandemic. It considered that, given that SAS's market share is much higher than that of its closest competitor in those two Member States, the aid at issue does not amount to unlawful discrimination.

→ [Judgments of 14 April 2021, Ryanair v Commission \(SAS, Denmark; Covid-19\), T-378/20 and T-379/20](#)

The General Court held that **Finland's** guarantee in favour of the airline **Finnair** to help it obtain a loan of EUR 600 million from a pension fund to cover its working capital requirements following the Covid-19 pandemic is compatible with EU law. The guarantee was necessary because Finnair was at risk of going into liquidation due to the sudden erosion of its business and the fact that it could not cover its liquidity needs through the credit markets.

→ [Judgment of 14 April 2021, Ryanair v Commission \(Finnair I; Covid-19\), T-388/20](#)

The General Court approved the Commission's decision authorising the support fund introduced by **Spain** to ensure the solvency of **non-financial undertakings** that have their principal places of business in Spain, which are considered systemic or strategic for the national economy and have experienced temporary difficulties due to the Covid-19 pandemic. It stated that the measure at issue, intended for the adoption of recapitalisation measures with a budget of EUR 10 billion, does constitute a State aid scheme but is proportionate and non-discriminatory.

→ [Judgment of 19 May 2021, Ryanair v Commission \(Spain; Covid-19\), T-628/20](#)





## State aid

**Examination of the compatibility with EU law of subsidies granted by the Member States to economic operators may require a complex and in-depth assessment of the circumstances that led public authorities to interfere with competition. In 2021, the Court of Justice and the General Court reviewed, in a number of cases with significant economic stakes, the assessment made by the Commission, the guardian of compliance with the EU rules on State aid, concerning such national measures.**

.....

The **Nürburgring**, located in Germany, includes inter alia a race track and a leisure park. Following the insolvency of its owners, bodies governed by public law, the complex was sold to a private undertaking. Although other economic operators claimed that the sale had been made below market price and in a discriminatory manner, the Commission decided not to initiate a formal investigation procedure. Further to **appeals** lodged with it in this matter, the Court of Justice annulled the Commission's decision and the judgment of the General Court upholding it and **ordered the Commission to re-examine whether the sale of the Nürburgring entailed a grant of State aid.**

→ [Judgment of 2 September 2021, \*Ja zum Nürburgring v Commission\*, C-647/19 P and Others](#)

**The Commission had found, by various decisions, that an arbitration award setting for the Greek aluminium producer Mytilinaios an allegedly preferential electricity tariff to be paid to DEI (a Greek electricity producer and supplier), did not in fact involve the granting of an advantage.** The General Court annulled those decisions, taking the view that the Commission should have diligently, sufficiently and comprehensively examined whether there had been State aid.

→ [Judgment of 22 September 2021, \*DEI v Commission\*, T-639/14 and Others](#)



Actions were brought by a cooperative and a number of skippers of fishing vessels against the Commission's decision not to raise objections in relation to aid linked to the construction of the first **offshore wind farms in France**. The General Court found that those persons were not entitled to bring such actions because, first, they were not in competition with the operators of those wind farms and, secondly, they had failed to demonstrate the likelihood of the aid in question having a specific effect on their situation.

→ [Judgment of 15 September 2021, CAPA and Others v Commission, T-777/19](#)





## Social law



The Court of Justice in the Workplace – protecting the rights of workers

[see the video on YouTube](#)



In 2021, the Court of Justice was called upon to interpret EU law in the field of social policy, in particular in connection with the working conditions and social protection of workers. In that regard, the EU legislature has laid down minimum rules that Member States are required to observe. For instance, in relation to the organisation of working time, EU law lays down minimum health and safety requirements, granting workers minimum rest breaks. With a view to guaranteeing a work, private and family life balance, it also provides for rules on parental leave. Moreover, it organises the coordination of social security systems so as to ensure that the principle of equal treatment is implemented for all EU workers. Lastly, the Court of Justice was prompted to clarify the conditions governing access to national allowances for workers who are third-country nationals.

.....

In response to a question from a Romanian court about the interpretation of the **Working Time Directive**, the Court of Justice examined the situation of experts hired by the Academia de Studii Economice din Bucureşti under a number of employment contracts who, on certain days, cumulated the eight hours worked at the basic rate with the hours worked on one or more other projects. It stated that, where a worker has concluded more than one employment contract with the same employer, **the minimum daily rest period applies to the contracts taken as a whole** and not to each of the contracts taken separately.

→ [Judgment of 17 March 2021, Academia de Studii Economice din Bucureşti, C-585/19](#)

In a dispute between a former non-commissioned officer in the Slovenian army and the Ministry of Defence concerning the remuneration for that officer's guard duty, the Court of Justice clarified the situations in which the **Working Time Directive** does not apply to **activities carried out by military personnel**. Furthermore, that directive does not preclude a stand-by period during which a member of military personnel is required to remain at the barracks to which he or she is posted, but does not perform actual work there, from being remunerated differently from a stand-by period during which he or she performs actual work.

→ [Judgment of 15 July 2021, Ministrstvo za obrambo, C-742/19](#)

In a case referred for a preliminary ruling by a Luxembourg court, the Court of Justice interpreted **the directive implementing the revised Framework Agreement on parental leave**. It stated that **a Member State cannot make entitlement to parental leave subject to the requirement that the parent was employed at the time of birth or adoption of the child**. The Member State can, however, require that the parent was employed without interruption for a period of at least twelve months before the start of that parental leave.

→ [Judgment of 25 February 2021 XI v Caisse pour l'avenir des enfants \(Employment at the time of birth\), C-129/20](#)

In **Italy**, the grant of childbirth and maternity allowances was refused to a number of **third-country nationals holding a single work permit** obtained pursuant to the national legislation transposing an EU directive because those persons did not have long-term resident status. Following a reference made to it by the Corte costituzionale (Constitutional Court, Italy), the Court of Justice held that those third-country nationals were entitled to those allowances as provided for by the Italian legislation.

→ [Judgment of 2 September 2021, INPS \(Childbirth and maternity allowances for holders of single permits\), C-350/20](#)





## Banking union

The banking union is an essential component of the EU's economic and monetary union, which was set up in response to the 2008 financial crisis and the subsequent sovereign debt crisis in the euro zone. The goal of the banking union is to ensure that the banking sector in the euro zone and, more broadly, the European Union is stable, secure and reliable, thus contributing to general financial stability, to banks being able to withstand financial crises and to a solution being provided for the failure of banks without recourse to EU taxpayers' money and minimising their impact on the EU economy. Euro zone Member States are part of the banking union and those which are not may participate in it through close cooperation with the European Central Bank. The Court of Justice and the General Court are regularly prompted to deal with matters relating to the banking union.

.....

In June 2018, the Latvian Public Prosecutor charged the Governor of the Central Bank of Latvia with various offences of corruption. In that capacity, the Governor was also a member of the General Council and the Governing Council of the European Central Bank (ECB). In the light of that particular circumstance, the Latvian court seized of the case asked whether the person concerned might enjoy immunity under the Protocol on the privileges and immunities of the European Union, which grants officials and other servants of the European Union immunity from legal proceedings in respect of all acts performed by them in their official capacity. The Court of Justice held that, where a criminal authority finds that the conduct of a governor of a central bank of a Member State was manifestly not committed by that governor in the context of his or her duties, immunity does not apply. **Acts of fraud, corruption or money laundering are not carried out by a central bank governor in his or her official capacity.**

→ [Judgment of 30 November 2021, LG Ģenerālprokuratūra, C-3/20](#)

In 2016, the European Banking Authority (EBA) issued **guidelines on product oversight and governance arrangements for retail banking products**. In a notice published on its website, the Autorité de contrôle prudentiel et de résolution (Authority for prudential supervision and resolution, France) announced that it complied with those guidelines, thus making them applicable to all financial institutions under its supervision. The Fédération bancaire française (French banking federation; 'the FBF') subsequently asked the Conseil d'État (Council of State, France) to annul the notice because, in the FBF's view, the EBA did not have the competence to issue such guidelines. The Council of State made a reference to the Court of Justice for a preliminary ruling concerning the remedies available to review the legality of the contested guidelines and their validity. The Court of Justice stated that the preliminary ruling procedure may be used to review such validity and that, in the present case, the guidelines are valid.

→ [Judgment of 15 July 2021,  
FBF, C-911/19](#)







## Restrictive measures and foreign policy

**Restrictive measures or ‘sanctions’ are an essential tool of the European Union’s common foreign and security policy (CFSP). They are used as part of an integrated and global action that includes, in particular, political dialogue. The European Union adopts them with a view to protecting its values, fundamental interests and security and to preventing conflict and strengthening international security. The purpose of the sanctions is to encourage a change of policy or conduct on the part of the persons or entities concerned, with the goal of promoting the objectives of the CFSP.**

.....

‘Secondary sanctions’ are based on the US Government’s capacity to use the supremacy of its financial system to prevent foreign entities from engaging in (lawful) transactions with persons subject to sanctions. EU law prohibits those entities from complying with such sanctions, unless they are authorised by the European Commission when non-compliance with foreign laws would seriously harm those entities’ interests. Deutsche Telekom had unilaterally terminated, without providing reasons and without authorisation from the Commission, service provision contracts between it and the German branch of Bank Melli, an Iranian bank owned by the Iranian State. The Court of Justice held that the **prohibition imposed by EU law on complying with secondary sanctions laid down by the United States against Iran may be relied on in civil proceedings**, even in the absence of a specific order or instruction by an authority of the United States. The German court before which the Iranian bank brought proceedings must thus balance the objective pursued by that prohibition against the probability and the extent of the economic losses which Deutsche Telekom might incur if it were unable to terminate its commercial relationship with that bank.

→ [Judgment of 21 December 2021, Bank Melli Iran, C-124/20](#)

In view of the deterioration of the human rights situation, the rule of law and democracy, the Council of the European Union adopted, in 2017, a regulation introducing **restrictive measures against Venezuela**. Venezuela subsequently applied to the General Court seeking the annulment of those measures, but the General Court found that Venezuela did not have standing to bring proceedings against such a regulation. However, on appeal, the Court of Justice held **that that State did indeed have standing to bring proceedings against a regulation which introduces restrictive measures against it** and therefore referred the case back to the General Court for judgment on the merits of the action for annulment.

→ [Judgment of 22 June 2021, \*Venezuela v Council \(Whether a third State is affected\)\*, C-872/19](#)





## European criminal-law enforcement area

The European criminal law enforcement area is built around several axes: the mutual recognition of judicial decisions, the harmonisation of the Member States' criminal law, the establishment of integrated cooperation systems and, finally, the strengthening of international cooperation in this field. Thus, the objective set for the European Union to become an area of freedom, security and justice has led to the abolition of extradition between Member States and its replacement by a system of surrender between judicial authorities. The European Arrest Warrant is the first concrete expression in the field of criminal law of the principle of mutual recognition, which is the cornerstone of judicial cooperation between Member States: it is a judicial decision by a Member State with a view to the arrest and surrender a person wanted in another Member State for the purpose of prosecution or for the enforcement of a custodial sentence or detention order. Decisions on the execution of the European Arrest Warrant must be subject to sufficient controls at national level and difficulties of interpretation sometimes arise; proceedings are thus brought before the Court of Justice in order to resolve those difficulties.

.....

In a case concerning **the execution, in Ireland, of a European arrest warrant issued by the United Kingdom before its withdrawal from the European Union**, the Court of Justice held that the provisions in the Withdrawal Agreement concerning the European arrest warrant regime with respect to the United Kingdom, and those concerning the new surrender mechanism in the Trade and Cooperation Agreement between the European Union and that third country, are binding on Ireland. The inclusion of those provisions in those agreements did not justify the addition of a legal basis relating to the area of freedom, security and justice for the purpose of concluding those agreements, with the result that those provisions did not require that Ireland have the choice whether or not to opt into them.

➔ Judgment of 16 November 2021, Governor of Cloverhill Prison and Others, C-479/21 PPU

# B | Key figures concerning judicial activity

## Court of Justice

### The Court of Justice deals mainly with:

- **requests for a preliminary ruling**, when a national court is uncertain as to the interpretation or validity of an act adopted by the European Union. The national court stays the proceedings before it and refers the matter to the Court of Justice, which gives a ruling on the interpretation or the validity of the provisions in question. When the matter has been clarified by the Court of Justice's decision, the national court is then in a position to settle the dispute before it. In cases calling for a response within a very short time (for example, in relation to asylum, border control, child abduction, and so forth), an **urgent preliminary ruling procedure ('PPU')** may be used;
- **appeals**, against decisions made by the General Court, a remedy enabling the Court of Justice to set aside the decision of the General Court;
- direct actions, which mainly seek:
  - annulment of an EU act (**'action for annulment'**), or
  - a declaration that a Member State has failed to fulfil its obligations under EU law (**'action for failure to fulfil obligations'**). If the Member State does not comply with the judgment finding that it has failed to fulfil its obligations, a second action, known as an action for **'twofold failure' to fulfil obligations**, may result in the Court imposing a financial penalty on it;
- requests for an **opinion** on the compatibility with the Treaties of an agreement which the European Union envisages concluding with a non-member State or an international organisation. The request may be submitted by a Member State or by a European institution (Parliament, Council or Commission).



# 838

cases brought

Preliminary ruling  
proceedings

# 567

including 9 PPU

Member States  
from which the  
most requests  
originate:

Germany	106
Bulgaria	58
Italy	46
Romania	38
Austria	37

Direct actions

# 29

including

# 22

actions for failure to fulfil  
obligations and

# 1

action for 'twofold  
failure' to fulfil  
obligations

**232**

appeals brought against decisions of the General Court

**12**

applications for legal aid



A party who is unable to meet the costs of the proceedings may apply for free legal aid.



**772**

cases resolved

**Preliminary ruling proceedings**

**547**

including 9 PPU

**30**

**direct actions**

(failures to fulfil obligations found)

**183**

**appeals against decisions of the General Court**

including

**23**

in which the decision adopted by the General Court was set aside

**1**

request for an opinion

Average duration of proceedings

**16.6** months

**3.7** months

average duration of urgent preliminary ruling proceedings







**1 113**

Pending cases  
as of 31 December  
2021

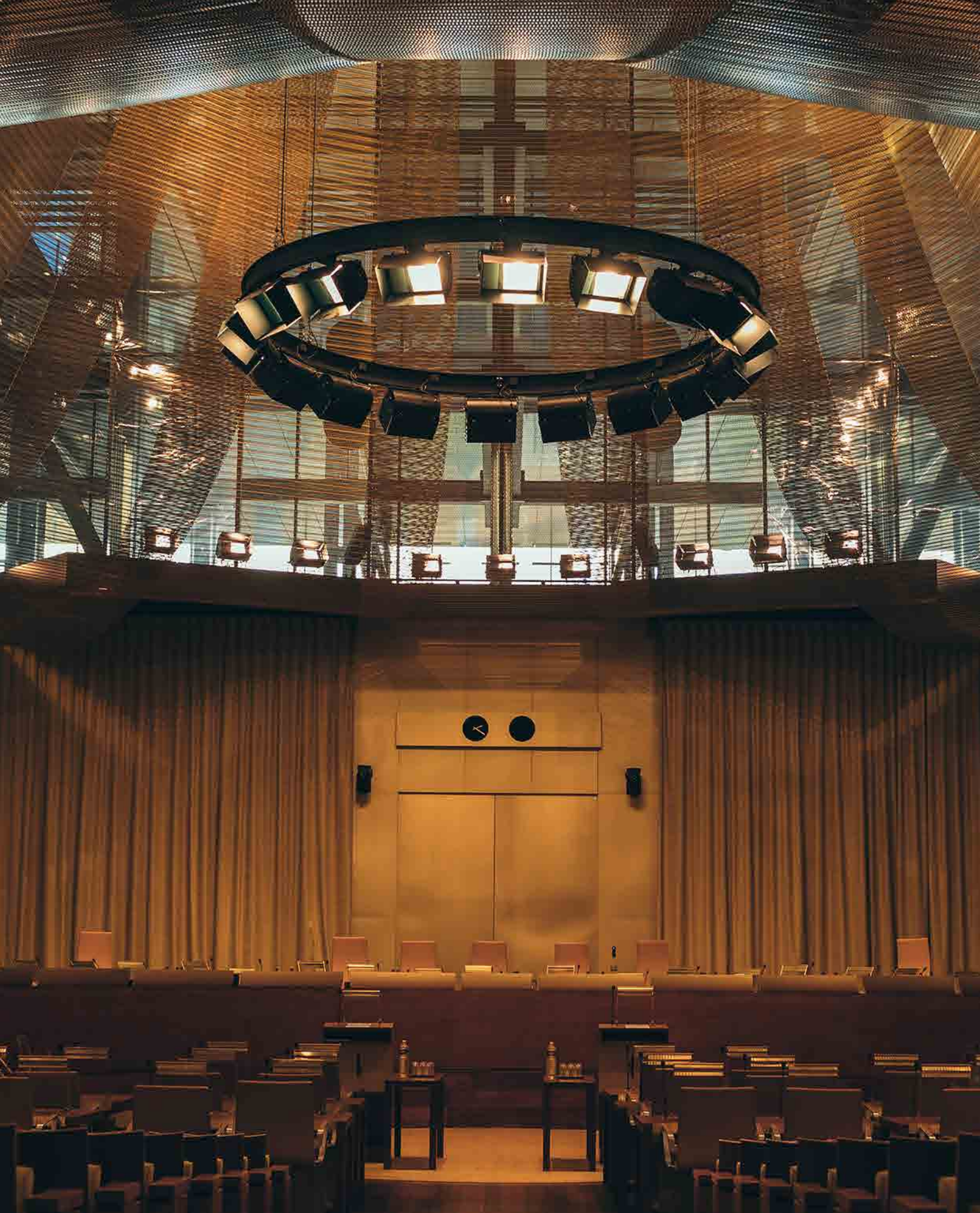
## Principal matters dealt with

Agriculture	24
Area of Freedom, Security and Justice	136
Consumer protection	63
Customs Union	17
Environment	45
Freedom of movement and establishment, and internal market	77
Intellectual and industrial property	49
Social law	64
State aid and competition	115
Taxation	80
Transport	61









# Members

# of the Court of Justice

The Court of Justice is composed of 27 Judges and 11 Advocates General.

The Judges and Advocates General are appointed by common accord of the governments of the Member States after consultation of a panel responsible for giving an opinion on prospective candidates' suitability to perform the duties concerned. They are appointed for a term of office of six years, which is renewable.

They are chosen from among individuals whose independence is beyond doubt and who possess the qualifications required for appointment, in their respective countries, to the highest judicial offices, or who are of recognised competence.







**K. Lenaerts**  
President



**L. Bay Larsen**  
Vice-President



**A. Arabadjiev**  
President  
of the First Chamber



**A. Prechal**  
President of the  
Second Chamber



**K. Jürimäe**  
President  
of the Third Chamber



**C. Lycourgos**  
President of the  
Fourth Chamber



**E. Regan**  
President  
of the Fifth Chamber



**M. Szpunar**  
First Advocate  
General



**S. Rodin**  
President of the  
Ninth Chamber



**I. Jarukaitis**  
President of the  
Tenth Chamber



**N. Jääskinen**  
President of the  
Eighth Chamber



**I. Ziemele**  
President  
of the Sixth Chamber



**J. Passer**  
President of the  
Seventh Chamber



**J. Kokott**  
Advocate General



**M. Ilešič**  
Judge



**J.-C. Bonichot**  
Judge



**T. von Danwitz**  
Judge



**M. Safjan**  
Judge



**F. Biltgen**  
Judge



**M. Campos  
Sánchez-  
Bordona**  
Advocate General





**P. G. Xuereb**  
Judge



**N. J. Cardoso  
da Silva Piçarra**  
Judge



**L. S. Rossi**  
Judge



**G. Pitruzzella**  
Advocate General



**P. Pikamäe**  
Advocate General



**A. Kumin**  
Judge



**N. Wahl**  
Judge



**J. Richard  
de la Tour**  
Advocate General



**A. Rantos**  
Advocate General



**D. Gratsias**  
Judge



**M. L. Arastey  
Sahún**  
Judge



**A. M. Collins**  
Advocate General



**M. Gavalec**  
Judge



**N. Emiliou**  
Advocate General



**Z. Csehi**  
Judge



**O. Spineanu-  
Matei**  
Judge



**T. Čápetá**  
Advocate General



**L. Medina**  
Advocate General



**A. Calot Escobar**  
Registrar

# Composition of the Court of Justice

(Order of Precedence as at 31 December 2021)

## ***First row, from left to right:***

M. Szpunar, First Advocate General; C. Lycourgos, President of Chamber; A. Prechal, President of Chamber; L. Bay Larsen, Vice-President of the Court; K. Lenaerts, President of the Court; A. Arabadjiev, President of Chamber; K. Jürimäe, President of Chamber; E. Regan, President of Chamber; S. Rodin, President of Chamber

## ***Second row, from left to right:***

T. von Danwitz, Judge; M. Ilešič, Judge; J. Passer, President of Chamber; N. Jääskinen, President of Chamber; I. Jarukaitis, President of Chamber; I. Ziemele, President of Chamber; J. Kokott, Advocate General; J.-C. Bonichot, Judge

## ***Third row, from left to right:***

P. Pikamäe, Advocate General; L.S. Rossi, Judge; P.G. Xuereb, Judge; F. Biltgen, Judge; M. Safjan, Judge; M. Campos Sánchez-Bordona, Advocate General; N.J. Piçarra, Judge; G. Pitruzzella, Advocate General

## ***Fourth row, from left to right:***

M.L. Arastey Sahún, Judge; A. Rantos, Advocate General; N. Wahl, Judge; A. Kumin, Judge; J. Richard de la Tour, Advocate General; D. Gratsias, Judge; A.M. Collins, Advocate General

## ***Fifth row, from left to right:***

L. Medina, Advocate General; O. Spineanu-Matei, Judge; N. Emiliou, Advocate General; M. Gavalec, Judge; Z. Csehi, Judge; T. Čápetá, Advocate General; A. Calot Escobar, Registrar



# General Court



Proceedings may be brought before the General Court, at first instance, in direct actions brought **by natural or legal persons (companies, associations, and so forth)** and **by Member States** against acts of the institutions, bodies, offices or agencies of the European Union, and in direct actions seeking compensation for damage caused by the institutions or their staff. A large part of the litigation before it is economic in nature: intellectual property (EU trade marks and designs), competition, State aid, and banking and financial supervision.

The General Court also has jurisdiction to adjudicate in civil service disputes between the European Union and its staff.

The decisions of the General Court may be the subject of an appeal, limited to points of law, before the Court of Justice. In cases which have already been considered twice (by an independent board of appeal and then by the General Court), the Court of Justice will allow an appeal to proceed only if it raises an issue that is significant with respect to the unity, consistency or development of EU law.



## 882

Cases brought

## 785

Direct actions

including

### 80

State aid and competition  
(including **4** actions  
brought by the Member  
States)

### 308

Intellectual and industrial  
property

### 81

EU civil service

### 316

other direct actions  
(including **11** actions  
brought by the Member  
States)

## 70

applications  
for legal aid

A party who is unable to meet the costs of the proceedings may apply for free legal aid.





**951**  
cases resolved

**836**

**Direct actions**

including

**81**

State aid and competition

**307**

Intellectual and industrial property

**128**

EU civil service

**320**

other direct actions

Average duration  
of proceedings

**17.3** months

**29%**

of decisions subject to an  
appeal before the Court  
of Justice



**1 428**

pending cases

as of 31 December  
2021

#### Principal matters

Access to documents	44
Agriculture	23
Competition	96
Economic and monetary policy	179
Environment	16
Intellectual and industrial property	320
Public procurement	25
Restrictive measures	51
Staff Regulations	133
State aid	273







Members

of the General Court

Since 1 September 2019, the General Court has 2 Judges per Member State. The Judges are appointed by common accord of the Member States for a renewable term of six years. The Judges elect the President and Vice-President from among their number for a renewable term of three years. They carry out their tasks with complete impartiality.





**M. van der Woude**  
President of the  
General Court



**S. Pappasavvas**  
Vice-President  
of the General Court



**H. Kanninen**  
President  
of Chamber



**V. Tomljenović**  
President  
of Chamber



**S. Gervasoni**  
President  
of Chamber



**D. Spielmann**  
President  
of Chamber



**A. Marcoulli**  
President  
of Chamber



**R. da Silva  
Passos**  
President  
of Chamber



**J. Svaningsen**  
President  
of Chamber



**M. J. Costeira**  
President  
of Chamber



**A. Kornezov**  
President  
of Chamber



**G. De Baere**  
President  
of Chamber



**M. Jaeger**  
Judge



**S. Frimodt  
Nielsen**  
Judge



**J. Schwarcz**  
Judge



**M. Kancheva**  
Judge



**E. Buttigieg**  
Judge



**V. Kreuzschitz**  
Judge



**L. Madise**  
Judge



**C. Iliopoulos**  
Judge



**V. Valančius**  
Judge



**N. Półtorak**  
Judge



**F. Schalin**  
Judge



**I. Reine**  
Judge



**R. Barents**  
Judge



**P. Nihoul**  
Judge



**U. Öberg**  
Judge



**K. Kowalik-  
Bańczyk**  
Judge



**C. Mac Eochaidh**  
Judge



**R. Frenco**  
Judge



**T. Pynnä**  
Judge



**L. Truchot**  
Judge



**J. Laitenberger**  
Judge



**R. Mastroianni**  
Judge



**J. Martín y Pérez  
de Nanclares**  
Judge



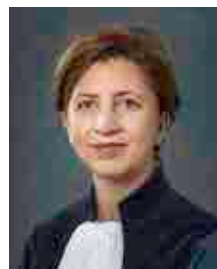
**O. Porchia**  
Judge



**G. Hesse**  
Judge



**M. Sampol  
Pucurull**  
Judge



**M. Stancu**  
Judge



**P. Škvařilová-  
Pelzl**  
Judge





**I. Nõmm**  
Judge



**G. Steinfatt**  
Judge



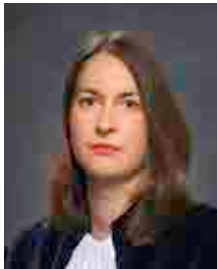
**R. Norkus**  
Judge



**T. Perišin**  
Judge



**D. Petrlík**  
Judge



**M. Brkan**  
Judge



**P. Zilgalvis**  
Judge



**K. A. Kecsmár**  
Judge



**I. Gâlea**  
Judge



**E. Coulon**  
Registrar









# 3

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**Supporting the institution  
moving through  
a new phase  
in its history**



# A | Introduction by the Registrar



**The Registrar of the Court of Justice, the Secretary-General of the Institution, oversees the administrative departments under the authority of the President.**

For the departments within the institution, 2021 has been a year spent consolidating the new methods implemented in 2020, with a view to ensuring the continuity and quality of the public service of European justice, in a context marked by the continued pandemic crisis and by the adaptability that this has required at both organisational and individual level. Tasks completed include the dematerialisation and simplification of decision-making processes, the increased empowerment of employees and the establishment of a new work/life balance. The remarkable results achieved by the Court of Justice and the General Court, together with the European Ombudsman's Award for Good Administration awarded to the Court of Justice for its 'Remote Hearings' project in the 'Excellence in Innovation/Transformation' category, are thus a source of recognition and motivation for all departments to continue along this path.

2021 was also an opportunity to broaden and accelerate the transformation of how the Court's departments function, through the launch of several structural projects for the future.

This involves, first, **increased support provided to the courts**, whose workload – in particular that of the Court of Justice – is reaching unprecedented levels. Projects are therefore under way to develop information systems in the judicial field for research and drafting assistance purposes and to strengthen the direct support for judicial activities provided to the chambers of the Members of the courts. Consideration is also being given to ways, particularly technical means, of speeding up access to the contents of procedural documents.

The Court will be able to draw on the potential offered by digital tools. There is no shortage of examples: digitisation of document flows and decision-making processes, both administrative (with the finalisation of the HAN document management project) and judicial (through the integrated case management system (SIGA) project, which involves close cooperation among all departments, registries and the chambers of the Members of the courts). Both projects



offer significant opportunities for streamlining processes, monitoring procedures, research and assistance in handling cases. At the same time, the IT departments monitor technology and experiment with various advanced technological tools, such as those related to the workspace or to artificial intelligence.

Second, the Court will continue **to fully embrace its commitment to multilingualism**, thus guaranteeing **the extent of its language coverage and the quality of its services** for legal translation and interpretation. This **know-how is unique in the world**, and should be maintained and developed by incorporating the potential of technological developments, particularly with a view to dealing with the Court's increased workload. Behind the concept of 'multilingualism' lies the Court's ability to address each litigant and each citizen in his or her own language. This is therefore a question of accessibility and legitimacy of the Union's justice system, but also of safeguarding the cultural and linguistic diversity of the EU as a whole. This is the aim of the 'Multilingualism approach' that the Court has been pursuing for several years through a series of actions and events highlighting the value of multilingualism and the Court's commitment to it. The Garden of Multilingualism, on which work began this year, will be one of the permanent and visible manifestations of this commitment, among other future projects.

Third, it is important to **ensure closer contact between the Court and EU citizens**, making it more accessible and increasing knowledge of its functioning among those it serves. More than ever, the Court is called upon to make decisions that have a significant political and social impact on Member States and citizens: economic and monetary policy, rule of law, asylum, terrorism prevention, fundamental rights ... The far-reaching consequences of these decisions, which are often complex, require communication and explanation so that citizens are able to understand them and appreciate the fundamental role played by the EU courts. Two innovative projects intended to achieve this objective deserve to be highlighted.

One current project should soon make it possible to trial the **web streaming of certain hearings before the Grand Chamber**, providing yet another dimension to the principle of public hearings, in line with modern technologies. Any law student, journalist, national judge or interested citizen will be able, wherever they live, to watch the Court of Justice's oral hearings without having to travel to Luxembourg, in all the languages covered by the interpretation services offered at the hearing. This service will open a window on Court's daily judicial activities for the whole world.





In addition, the **remote visit** project – for which the pilot phase was completed in 2021 with secondary school classes in several European countries – will make it possible to diversify the options available for welcoming visitors: the majority of European citizens who are not in a position to travel to Luxembourg will be able to visit the Court under conditions that are as similar as possible to those offered to individuals visiting in person. This innovation eliminates the constraints linked to geographical distance and the perception of inaccessibility that the Court can generate among certain groups. Thanks to new technology, the Court can finally travel virtually to all citizens of the Member States.

Fourth and last, these future projects will be accompanied by **an ambitious people management strategy**, representing the core of the Court’s human resources policy. Organisations, whether private or public, national or European, are seeking to respond to the new context created by the development of remote working, the desire of employees for greater autonomy and the expectations of younger generations. To implement the important projects it has set for itself, the Court subscribes fully to this movement and can, as before, rely on committed and talented staff. This requires a comprehensive approach to human resources management, from recruitment methods to preparation for retirement, including skills development through initial and continuous training, job-shadowing and mentoring, as well as career management and mobility opportunities within and between institutions. To continue striving for excellence, the Court needs to create stimulating and dynamic working conditions. This includes a fundamental approach that must form the permanent backbone for the various strategies applied in the administration of the Court’s services: the mainstreaming of issues associated with diversity and inclusion throughout the life of the Institution.

I look forward to seeing you next year, when we will take stock of the year 2022, which will mark the 70<sup>th</sup> anniversary of the Court, the oldest of the EU institutions!



Alfredo Calot Escobar  
Registrar of the Court of Justice







## EUnited in Riga: an unprecedented judicial dialogue for a united Europe



*Testimonial from Mr Inguss Kalniņš,  
former adviser to the President of the Constitutional Court of Latvia*

For the first time in the history of the European Union, judges representing the constitutional courts and constitutional jurisdictions of the EU Member States and the members of the Court of Justice of the European Union met to discuss the common legal traditions of the European Union and how to reconcile them with the constitutional traditions and national identities of the Member States. The conference was entitled 'EUnited in diversity: between common constitutional traditions and national identities'. It was organised jointly by the Latvijas Republikas Satversmes tiesa (Constitutional Court of Latvia) and the Court and was held from 2 to 3 September 2021 in Riga, Latvia. The idea for a joint conference that would open a dialogue between the constitutional courts and the Court of Justice was put forward in 2019 by Ms Ineta Ziemele, the then President of the Constitutional Court of Latvia, and was fully supported by the President of the Court of Justice, Mr Koen Lenaerts. It took two years to become a reality, partly because of the obstacles posed by the Covid-19 pandemic.

The specific structure of the conference, combined with the opportunity to finally meet in person, created a very enjoyable event and gave it a dynamic that made it a success in both organisational and substantive terms. All the courts present participated actively in open and frank debates, with excellent speeches and conclusions that have since been published as a volume.





To come to a common agreement on the need to engage in such a dialogue and to continue it into the future is remarkable in itself.

National and international news media and social media (#RigaJusticeConference) covered the event extensively. In addition, the Constitutional Court of Latvia launched the first episode of its on-demand audio service Tversme with Mr Koen Lenaerts, President of the Court of Justice, as guest of honour to underline the importance of dialogue.





## The Meeting of Judges, a unique moment for dialogue and discussion



*Testimonial from Ms María José Hernández Vitoria,  
President of the Employment Division of the Aragon High Court of Justice*

I am delighted to have the opportunity to share my experience of the European Meeting of Judges held in Luxembourg from 20 to 22 November 2021. The meeting programme included working sessions on very different themes, so I will mention the seminars in which I participated personally.

Some of the questions raised by the judges in their speeches and discussed by the participants are of great interest to the exercise of judicial activity. Specifically, I would like to mention the discussion that developed around the right to an effective legal remedy and access to an impartial tribunal, the role played by Article 47 of the Charter of Fundamental Rights of the European Union and its scope from the point of view, in particular, of the right to effective judicial protection and to an impartial judge. The meeting provided us with a comprehensive overview of the evolution of the Court of Justice's case-law around this precept and the legal basis it has used for its more recent case-law, from 2018 (see C-64/16, Associação Sindical dos Juizes Portugueses). In these judgments, several provisions of the Treaty on European Union (TEU) are combined with Article 47 of the Charter: such as the provision whereby 'Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law' (Article 19(1) TEU), the provision setting out the Union's values, including the rule of law (Article 2), the principle of sincere cooperation among the Member States (Article 4(3)), and the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Articles 6 and 13). All of us, as European judges, as judges involved in building Union law, have been able to draw useful lessons for applying the provisions of Article 47 of the Charter at national level.

Another point discussed in depth at the 2021 meeting was the notion of judicial independence, an issue that affects not only the judicial structure of each Member State of the EU, but also each member of the judiciary of these States. Accordingly, it was noted that it is not enough for a judicial body to be established by law. Guarantees must also be provided that it has no organic or functional links with the powers it is called on to supervise. As an example, we studied the question of the European arrest warrant: the Court has established that the principles of mutual recognition and mutual trust between Member States may be limited in exceptional circumstances, which means that priority must be given to examining whether a State that demands the surrender of a person from another State has a judicial system that is deficient in relation to the principle of judicial independence. This discussion, which was very valuable because it addressed these issues in practical terms, will enable national judges to deal with the doubts that arise more and more frequently in decision-making.

My colleagues and I also discussed the conditions of our profession, mentioning our duties of impartiality, but also our right to be protected from external pressure. We commented on a series of legislative measures in several Member States that affect judicial careers, such as disciplinary procedures or rules on the liability of judges, and which do not comply with the principles of EU law.

Finally, through the 2021 Meeting of Judges, we had the opportunity to attend a hearing before the Grand Chamber in a case dealing with the compliance with EU law of the rules of disciplinary procedures concerning judges adopted by a Member State. For all the participants in the 2021 meeting, this practical exercise in EU law enabled us to discover how EU justice operates, in particular because of the questions put to the parties' representatives by the Members of the Grand Chamber. Their questions illustrated the process of legal reasoning that must be followed to solve a problem of such a complex nature.



My participation in the meeting was hugely rewarding. The knowledge I acquired there helps me clarify various legal concepts that are very useful in my daily work, where I see the increasing weight of the Court's contributions. I left the 2021 Meeting of Judges with a tremendous sense of satisfaction, that of being a member of a European Union that provides us with legal rules enabling the peaceful coexistence of diverse people and countries, and that of having been able to rub shoulders with its judicial institution, an institution that, through the interpretation and application of the law, helps us to shape the idea of citizenship of the European Union.

Thanks to a remarkable feat of organisation, the 2021 meeting was a moment for dialogue and discussion between professionals in the field of justice, and I was able to observe, during this event, a great closeness and a sense of warmth and friendship between the participants and the Members of the Court who were significantly involved in the success of this event.





# Public relations

**Dialogue with legal professionals and the general public continued throughout 2021. While traditional channels were maintained, virtual dialogue was enhanced through videoconference services and social media platforms.**



## 131

Hearings  
by  
video  
conference

Because of the difficulties it posed for the citizens of the European Union, particularly in terms of travel, the health crisis that marked the years 2020 and 2021 led the Court to step up its efforts vis-à-vis the public. The crisis was therefore a crucial factor in the implementation of new forms of communication and an accelerator for the completion of projects put in motion before the pandemic occurred. The Court pursues a policy of openness towards citizens so that they have a better understanding of their rights through the case-law of the two courts comprising the Institution. This policy has been intensified both through the use of traditional means of communication and through the introduction of new options for access by the public.

Remote hearings, introduced in 2020 to ensure the continuity of the European public justice service, are an innovation that earned the Institution the 2021 European Ombudsman’s Award for Good Administration for Excellence in Innovation/Transformation. In 2021, **videoconferencing was used for 131 hearings** before the General Court and the Court of Justice. These remote hearings have paved the way for the broadcasting of oral hearings in the short term.

## 231

Press  
releases

Press releases, intended to inform journalists and legal practitioners in real time of the decisions of the Court of Justice and the General Court as soon as they are delivered, so that they can be made known to the public, saw a significant increase in volume in 2021. **231 press releases** were published in 2021, which means a total, **taking into account all the language versions available on the website and sent to correspondents, of 3 206 press releases.**

## 3 206

Language  
versions  
on the Curia  
website



The Communications Directorate's press officers have devoted their efforts and expertise to explaining judgments, orders and legal opinions, as well as ongoing cases, while at the same time increasing contacts with journalists in the Member States in order to provide them with first-hand information, raise their awareness of important cases and explain how the Courts have resolved the legal issues raised in the cases before them. Press officers distributed **601 information letters**, primarily to journalists but also to legal professionals, and sent **630 'Info-rapids' bulletins** concerning cases that were not covered by press releases. In addition, in terms of specific requests for information concerning the functioning of the Institution or its cases, **12 538 emails and 7 182 telephone calls** were received and processed in 2021 (in the language of each individual who contacted the Court) and, in accordance with the applicable regulations, the Court granted **110 requests for administrative documents and historical archives**.

The Court has been present on Twitter since 2013 and continued to use this platform to inform the general public through its two accounts, one in French and the other in English, which have in total **127 700 followers**. **962 tweets** were sent, mainly devoted to the most important judgments delivered by the Court of Justice and the General Court and the main events in the life of the Institution. The Court is also present on the professional platform LinkedIn and sent **365 messages** to its **132 000 followers**.

Legal professionals, for their part, have access to '[Fact Sheets](#)', and to the '[Monthly Case-law Digest](#)', compilations of summaries of the decisions of the Court of Justice and the General Court which, having regard to the issues of law involved, merit particular attention. These tools, provided by the Research and Documentation Directorate, enable legal professionals to benefit at a glance from the latest case-law in general or in a particular area of European Union law.



**601**  
Information  
letters



**630**  
'Info-rapids'  
bulletins



**7 182**  
Telephone  
calls



**962**  
tweets

The Court has tested and started to use the most effective IT tools so as to reach as wide an audience as possible. Whether through publication of the [Annual Report | The year in review](#) in a more convenient web format, the provision of **new consultation tools by the Library Directorate**, or the preparation of **remote visits to the Court for groups of secondary school students**, the EU's judicial body has increased its initiatives intended for the public.



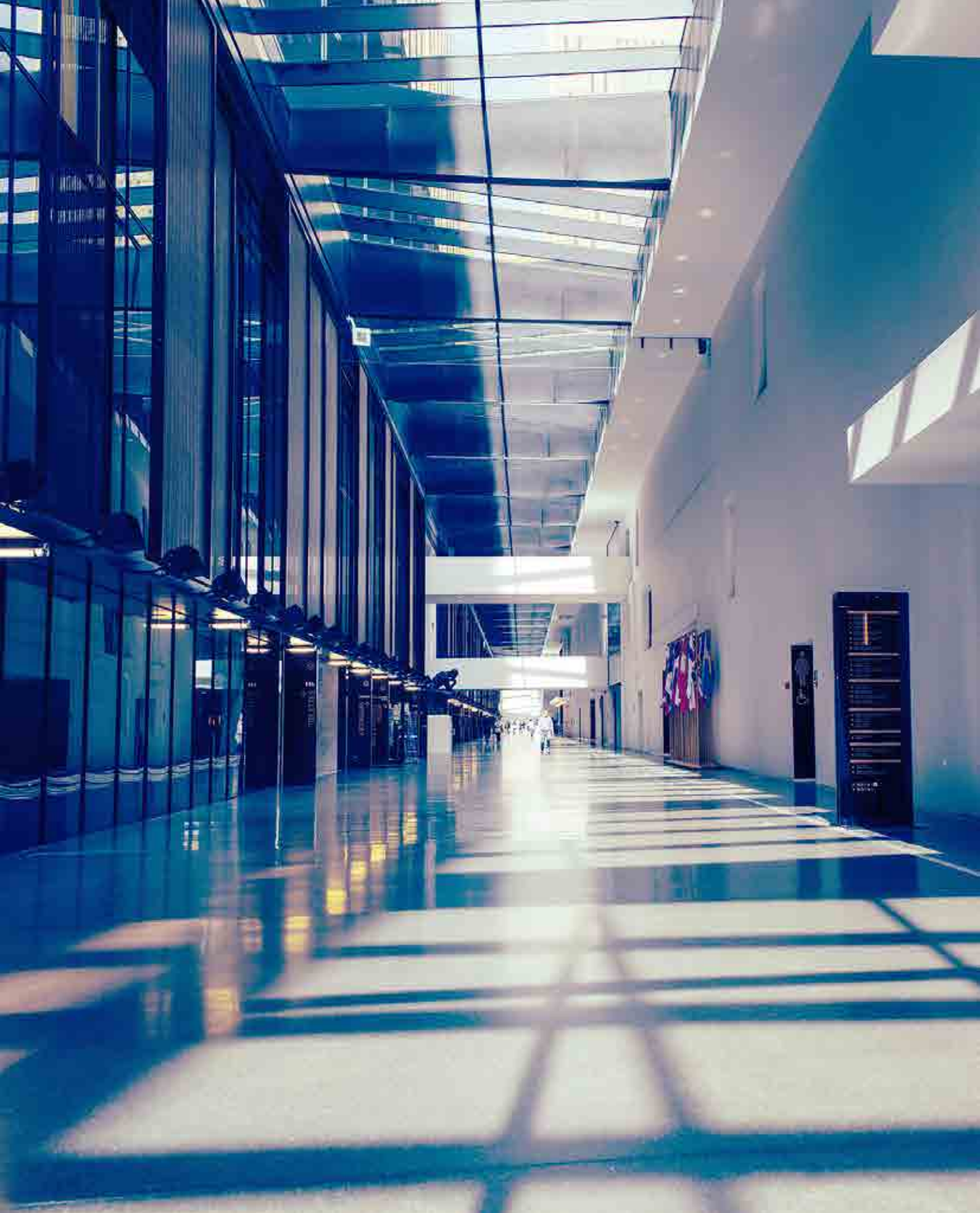
# 1 843

Visitors to the Court buildings

Organising visits is an important activity for the Court as part of its policy of openness and knowledge-sharing not only with regard to legal professionals and law students but also with European citizens. The health situation in 2021, although less strict than in 2020, has nevertheless limited visits and the volume of visitors. However, the Court has reopened its doors as far as possible and received **1 843 visitors to its buildings**. The development of remote visits, using the traditional pattern for face-to-face visits, was continued and strengthened, with the organisation of **87 programmes for visits through digital platforms**, thus **accommodating 3 210 people**.













4

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**An environmentally  
friendly institution**

**For several years, the Court has pursued an ambitious environmental policy, designed to meet the highest standards of sustainable development and environmental conservation.**



As in every year, the Institution provides an account of developments through the most recent indicators at its disposal, namely those for **2020**.

Underpinning the management of the Institution's building complex, and the day-to-day management of the resources and tools at its disposal, is the constant commitment to respecting the environment, as shown, since 2016, through the Court's EMAS (Eco-Management and Audit Scheme) **registration**. **The EMAS registration**, established by an EU regulation and granted to organisations that satisfy strict conditions relating to their environmental policies and their efforts in relation to the protection of the environment and sustainable development, is a clear recognition of the Court's ecological commitment and of the significant environmental performance achieved.

In its **annual environmental statement**, the Court presented a detailed account of its environmental performance and of current and future ecological projects within the Institution. For example, the Court has developed an **online training module** through which it informs all new arrivals of the environmental aspects associated with their daily work, encouraging the adoption of good habits in connection with information and office technology, energy use, water and waste processing, and also in their own personal transport choices.

Amongst recent concrete actions, the Court has completely eliminated the use of **single-use plastic bottles** in courtrooms, deliberation rooms and meeting rooms since November 2020.

**The 'e-Curia' application** (see p. 30) used widely for exchanging judicial documents between the parties' representatives and the Courts of the European Union also has a positive environmental impact. For example, if all the pages of procedural documents submitted to the Court of Justice and the General Court by e-Curia in 2021 (more than a million pages) had been lodged in paper form, including the necessary sets of copies, the documents generated would correspond to several tonnes of paper, which, moreover, would have had to be physically transported to Luxembourg.





**Bandomasis naudotų raštinės reikmenų surinkimo, kad jie būtų perdirbti, etapas**  
Used office supplies for recycling



**Dalyvavimas dalijimosi dviračiais sistemoje**  
Participation in the VelOH self-service bicycle system and support for bicycle travel



**Collected office lamps with LEDs**  
Collected office lamps with LEDs



**Atliekų sumažinimas (biuravimams)**  
Waste reduction (for offices)  
**- 67,3%**  
kg/kg/Equivalent (FTE)  
2020/2015



**Vandens naudojimas sumažėjo**  
Water consumption reduced  
**- 37,5%**  
m<sup>3</sup>/FTE  
2020/2015



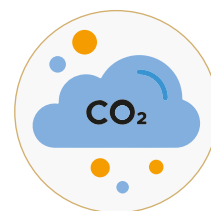
**Repiertais sušildymas**  
Heating with radiators  
**- 63,7%**  
kg/FTE  
2020/2015



**Elektrinės energijos suvartojimas**  
Electricity consumption  
**- 20,8%**  
kWh/FTE  
2020/2015



**2 958 m<sup>2</sup>**  
for production of  
**381 586 kWh**  
2020/2015  
equivalent to the annual requirements of 65 families



**Redetario ir ogies emisijos mažinimas**  
Reduction of CO2 emissions



**Full Time Equivalent (FTE)** is a unit of measurement of occupational activity independent of the disparities in the number of hours worked each week by staff members resulting from their different working arrangements.

**The environmental indicators** for water, waste, paper and electricity match those for 2020. Variations are quantified by reference to 2015, the reference year.

The substantial decreases in waste and resource consumption are explained by the exceptional situation occurring in 2020 as a result of the **health crisis**.







5

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**Looking  
ahead**



2022 will be an anniversary year for the Court.

Established in 1952 as the Court of Justice of the European Coal and Steel Community (ECSC), the Court celebrates 70 years of operation in 2022.

This anniversary invites us not only to look back at the creation and development of the judicial institution common to the 27 Member States of the European Union, but also to reflect on the values that underpin its mission.

The Court is launching new projects, placing citizens at the very heart of its initiatives and strengthening its influence within the Member States.

The celebrations planned include a retrospective campaign – already launched on Twitter and accessible via #CJEUin70days – describing, year by year, the main events of the last 70 years and the principal judgments delivered by the Court. A film on the history of the Court and its role in the construction of Europe is also in production. This will be screened for the first time at a special Meeting of Judges on the theme ‘Bringing justice closer to the citizen’, bringing together all the Presidents of the supreme and constitutional courts of the Member States, and will be made available to the general public.

The 70 years of the Court will be highlighted in a series of events organised by the Institution throughout the year. The anniversary will be an opportunity to increase awareness among the public about the Court’s work and its impact on the lives of EU citizens.

Day after day, the Institution, the Judges and Advocates General and all the staff work to safeguard the fundamental principles that bind the Member States and are guaranteed to every citizen, through decisions available in everyone’s language.

The protection of the rule of law and the safeguarding of fundamental rights, equality between men and women, workers, the environment and consumers have been at the heart of the work carried out by the Court of Justice since its first members took office on 4 December 1952.

**70**  
1952 - 2022







6

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**Stay**  
**connected!**





**Access the case-law search portal  
of the Court of Justice and the General Court  
via the Curia website:**



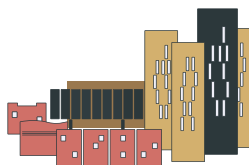
[curia.europa.eu](https://curia.europa.eu)



**Keep up with the latest case-law and institutional news by:**



- [consulting press releases](https://curia.europa.eu/jcms/PressReleases)  
[curia.europa.eu/jcms/PressReleases](https://curia.europa.eu/jcms/PressReleases)
- [subscribing to the Court's RSS feed](https://curia.europa.eu/jcms/RSS)  
[curia.europa.eu/jcms/RSS](https://curia.europa.eu/jcms/RSS)
- following the Court's Twitter account: [CourUEPresse](#) or [EUCourtPress](#)
- following the Institution's account on [LinkedIn](#)  
<https://www.linkedin.com/company/european-court-of-justice>
- downloading the CVRIA app for smartphones and tablets
- consulting the [European Court Reports](#)  
[curia.europa.eu/jcms/EuropeanCourtReports](https://curia.europa.eu/jcms/EuropeanCourtReports)



**To learn more about the activity of the institution**

- consult the webpage on the [2021 Annual Report](#)  
[curia.europa.eu/jcms/AnnualReport](https://curia.europa.eu/jcms/AnnualReport)
  - The year in review
  - Report on judicial activity
  - Management report
- Watch the videos on YouTube



## Access the documents of the institution

- **historical archives**  
[curia.europa.eu/jcms/archive](https://curia.europa.eu/jcms/archive)
- **administrative documents**  
[curia.europa.eu/jcms/documents](https://curia.europa.eu/jcms/documents)



## Visit the seat of the Court of Justice of the European Union

- The Institution offers **visit programmes** tailored to the interests of each group (attending a hearing, guided tours of the buildings or of the works of art, study visit):  
[curia.europa.eu/jcms/visits](https://curia.europa.eu/jcms/visits)
- The **virtual tour** provides a bird's eye view of the building complex and allows you access from the comfort of your own home:  
[curia.europa.eu/visit360](https://curia.europa.eu/visit360)



## For any information about the institution

- write to us using the **contact form**:  
[curia.europa.eu/jcms/contact](https://curia.europa.eu/jcms/contact)





## COURT OF JUSTICE OF THE EUROPEAN UNION

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General Court  
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TEL. +352 4303-1

The Court on the internet: [curia.europa.eu](https://curia.europa.eu)

Text completed in March 2022  
Figures correct as at 31.12.2021

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| Publications and Electronic Media Unit

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